

Senator Curtis S. Bramble proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies dates, deadlines, and other requirements in the Election Code to allow for a runoff election for primary races in certain circumstances;
- ▶ changes the dates during which an individual may file a declaration of candidacy or a notice of intent to gather signatures;
- ▶ changes the deadline for filing a petition and submitting signatures to form a political party;
- ▶ provides for a runoff election, by absentee ballot, in a primary election race where more than three candidates appear on the ballot for the same office, and from the same party, and where one candidate does not receive a certain percentage of the votes;
- ▶ modifies deadlines for requesting a recount or contesting an election;
- ▶ amends campaign finance reporting requirements in relation to a runoff election;
- ▶ establishes requirements, and addresses payment, for a runoff election; and
- ▶ makes technical and conforming amendments.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

33 **20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16

34 **20A-1-503**, as last amended by Laws of Utah 2011, Chapters 327 and 340

35 **20A-1-509.1**, as last amended by Laws of Utah 2011, Chapters 297 and 327

36 **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377

37 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309

38 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

39 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92

40 **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238

41 **20A-5-303**, as last amended by Laws of Utah 2011, Chapter 335

42 **20A-7-702**, as last amended by Laws of Utah 2016, Chapter 348

43 **20A-7-801**, as last amended by Laws of Utah 2013, Chapters 182, 219 and last

44 amended by Coordination Clause, Laws of Utah 2013, Chapter 182

45 **20A-8-103**, as last amended by Laws of Utah 2013, Chapter 253

46 **20A-9-202**, as last amended by Laws of Utah 2015, Chapter 296

47 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28

48 **20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66

49 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296

50 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

51 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296

52 **20A-11-204**, as last amended by Laws of Utah 2016, Chapters 16 and 409

53 **20A-11-206**, as last amended by Laws of Utah 2016, Chapter 16

54 **20A-11-303**, as last amended by Laws of Utah 2016, Chapters 16 and 409

55 **20A-11-305**, as last amended by Laws of Utah 2016, Chapter 16

56 **20A-11-1303**, as last amended by Laws of Utah 2016, Chapters 28 and 409

57 [20A-11-1305](#), as last amended by Laws of Utah 2016, Chapter 28

58 [20A-12-201](#), as last amended by Laws of Utah 2014, Chapter 207

59 [20A-14-203](#), as last amended by Laws of Utah 2016, Chapter 16

60 [20A-16-502](#), as last amended by Laws of Utah 2012, Chapter 369

61 ENACTS:

62 [20A-9-409.5](#), Utah Code Annotated 1953

63

64 *Be it enacted by the Legislature of the state of Utah:*

65 Section 1. Section [20A-1-102](#) is amended to read:

66 **[20A-1-102. Definitions.](#)**

67 As used in this title:

68 (1) "Active voter" means a registered voter who has not been classified as an inactive
69 voter by the county clerk.

70 (2) "Automatic tabulating equipment" means apparatus that automatically examines
71 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

72 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
73 upon which a voter records the voter's votes.

74 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
75 envelopes.

76 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

77 (a) contain the names of offices and candidates and statements of ballot propositions to
78 be voted on; and

79 (b) are used in conjunction with ballot sheets that do not display that information.

80 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
81 on the ballot for their approval or rejection including:

82 (a) an opinion question specifically authorized by the Legislature;

83 (b) a constitutional amendment;

84 (c) an initiative;

85 (d) a referendum;

86 (e) a bond proposition;

87 (f) a judicial retention question;

- 88 (g) an incorporation of a city or town; or
- 89 (h) any other ballot question specifically authorized by the Legislature.
- 90 (6) "Ballot sheet":
- 91 (a) means a ballot that:
- 92 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 93 (ii) can be counted using automatic tabulating equipment; and
- 94 (b) includes punch card ballots and other ballots that are machine-countable.
- 95 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 96 together with a staple or stitch in at least three places across the top of the paper in the blank
- 97 space reserved for securing the paper.
- 98 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 99 [20A-4-306](#) to canvass election returns.
- 100 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 101 the proposed issuance of bonds by a government entity.
- 102 (10) "Book voter registration form" means voter registration forms contained in a
- 103 bound book that are used by election officers and registration agents to register persons to vote.
- 104 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 105 charge by the sender.
- 106 (12) "By-mail voter registration form" means a voter registration form designed to be
- 107 completed by the voter and mailed to the election officer.
- 108 (13) "Canvass" means the review of election returns and the official declaration of
- 109 election results by the board of canvassers.
- 110 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 111 the canvass.
- 112 (15) "Contracting election officer" means an election officer who enters into a contract
- 113 or interlocal agreement with a provider election officer.
- 114 (16) "Convention" means the political party convention at which party officers and
- 115 delegates are selected.
- 116 (17) "Counting center" means one or more locations selected by the election officer in
- 117 charge of the election for the automatic counting of ballots.
- 118 (18) "Counting judge" means a poll worker designated to count the ballots during

119 election day.

120 (19) "Counting poll watcher" means a person selected as provided in Section
121 [20A-3-201](#) to witness the counting of ballots.

122 (20) "Counting room" means a suitable and convenient private place or room,
123 immediately adjoining the place where the election is being held, for use by the poll workers
124 and counting judges to count ballots during election day.

125 (21) "County officers" means those county officers that are required by law to be
126 elected.

127 (22) "Covered voter" means:

128 (a) a uniformed-service voter or an overseas voter who is registered to vote in the state;

129 or

130 (b) a uniformed-service voter whose voting residence is in the state and who otherwise
131 satisfies the state's voter eligibility requirements.

132 [~~(22)~~] (23) "Date of the election" or "election day" or "day of the election":

133 (a) means the day that is specified in the calendar year as the day that the election
134 occurs; and

135 (b) does not include:

136 (i) deadlines established for absentee voting; or

137 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
138 Voting.

139 [~~(23)~~] (24) "Elected official" means:

140 (a) a person elected to an office under Section [20A-1-303](#);

141 (b) a person who is considered to be elected to a municipal office in accordance with
142 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

143 (c) a person who is considered to be elected to a local district office in accordance with
144 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

145 [~~(24)~~] (25) "Election" means a regular general election, a municipal general election, a
146 statewide special election, a local special election, a regular primary election, a municipal
147 primary election, [~~and~~] a local district election, or a runoff election.

148 [~~(25)~~] (26) "Election Assistance Commission" means the commission established by
149 the Help America Vote Act of 2002, Pub. L. No. 107-252.

150 [~~(26)~~] (27) "Election cycle" means the period beginning on the first day persons are
151 eligible to file declarations of candidacy and ending when the canvass is completed.

152 [~~(27)~~] (28) "Election judge" means a poll worker that is assigned to:

- 153 (a) preside over other poll workers at a polling place;
- 154 (b) act as the presiding election judge; or
- 155 (c) serve as a canvassing judge, counting judge, or receiving judge.

156 [~~(28)~~] (29) "Election officer" means:

- 157 (a) the lieutenant governor, for all statewide ballots and elections;
- 158 (b) the county clerk for:
 - 159 (i) a county ballot and election; and
 - 160 (ii) a ballot and election as a provider election officer as provided in Section

161 [20A-5-400.1](#) or [20A-5-400.5](#);

162 (c) the municipal clerk for:

- 163 (i) a municipal ballot and election; and
- 164 (ii) a ballot and election as a provider election officer as provided in Section

165 [20A-5-400.1](#) or [20A-5-400.5](#);

166 (d) the local district clerk or chief executive officer for:

- 167 (i) a local district ballot and election; and
- 168 (ii) a ballot and election as a provider election officer as provided in Section

169 [20A-5-400.1](#) or [20A-5-400.5](#); or

170 (e) the business administrator or superintendent of a school district for:

- 171 (i) a school district ballot and election; and
- 172 (ii) a ballot and election as a provider election officer as provided in Section

173 [20A-5-400.1](#) or [20A-5-400.5](#).

174 [~~(29)~~] (30) "Election official" means any election officer, election judge, or poll
175 worker.

176 [~~(30)~~] (31) "Election results" means:

- 177 (a) for an election other than a bond election, the count of votes cast in the election and
178 the election returns requested by the board of canvassers; or
- 179 (b) for bond elections, the count of those votes cast for and against the bond
180 proposition plus any or all of the election returns that the board of canvassers may request.

181 ~~[(31)]~~ (32) "Election returns" includes the pollbook, the military and overseas absentee
182 voter registration and voting certificates, one of the tally sheets, any unprocessed absentee
183 ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot
184 disposition form, and the total votes cast form.

185 ~~[(32)]~~ (33) "Electronic ballot" means a ballot that is recorded using a direct electronic
186 voting device or other voting device that records and stores ballot information by electronic
187 means.

188 ~~[(33)]~~ (34) "Electronic signature" means an electronic sound, symbol, or process
189 attached to or logically associated with a record and executed or adopted by a person with the
190 intent to sign the record.

191 ~~[(34)]~~ (35) (a) "Electronic voting device" means a voting device that uses electronic
192 ballots.

193 (b) "Electronic voting device" includes a direct recording electronic voting device.

194 ~~[(35)]~~ (36) "Inactive voter" means a registered voter who has:

195 (a) been sent the notice required by Section [20A-2-306](#); and

196 (b) failed to respond to that notice.

197 ~~[(36)]~~ (37) "Inspecting poll watcher" means a person selected as provided in this title to
198 witness the receipt and safe deposit of voted and counted ballots.

199 ~~[(37)]~~ (38) "Judicial office" means the office filled by any judicial officer.

200 ~~[(38)]~~ (39) "Judicial officer" means any justice or judge of a court of record or any
201 county court judge.

202 ~~[(39)]~~ (40) "Local district" means a local government entity under Title 17B, Limited
203 Purpose Local Government Entities - Local Districts, and includes a special service district
204 under Title 17D, Chapter 1, Special Service District Act.

205 ~~[(40)]~~ (41) "Local district officers" means those local district board members that are
206 required by law to be elected.

207 ~~[(41)]~~ (42) "Local election" means a regular county election, a regular municipal
208 election, a municipal primary election, a local special election, a local district election, and a
209 bond election.

210 ~~[(42)]~~ (43) "Local political subdivision" means a county, a municipality, a local
211 district, or a local school district.

212 [~~(43)~~] (44) "Local special election" means a special election called by the governing
213 body of a local political subdivision in which all registered voters of the local political
214 subdivision may vote.

215 [~~(44)~~] (45) "Municipal executive" means:

216 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

217 (b) the mayor in the council-manager form of government defined in Subsection

218 10-3b-103(7); or

219 (c) the chair of a metro township form of government defined in Section 10-3b-102.

220 [~~(45)~~] (46) "Municipal general election" means the election held in municipalities and,
221 as applicable, local districts on the first Tuesday after the first Monday in November of each
222 odd-numbered year for the purposes established in Section 20A-1-202.

223 [~~(46)~~] (47) "Municipal legislative body" means:

224 (a) the council of the city or town in any form of municipal government; or

225 (b) the council of a metro township.

226 [~~(47)~~] (48) "Municipal office" means an elective office in a municipality.

227 [~~(48)~~] (49) "Municipal officers" means those municipal officers that are required by
228 law to be elected.

229 [~~(49)~~] (50) "Municipal primary election" means an election held to nominate
230 candidates for municipal office.

231 [~~(50)~~] (51) "Municipality" means a city, town, or metro township.

232 [~~(51)~~] (52) "Official ballot" means the ballots distributed by the election officer to the
233 poll workers to be given to voters to record their votes.

234 [~~(52)~~] (53) "Official endorsement" means:

235 (a) the information on the ballot that identifies:

236 (i) the ballot as an official ballot;

237 (ii) the date of the election; and

238 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
239 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

240 (B) for a ballot prepared by a county clerk, the words required by Subsection

241 20A-6-301(1)(c)(iii); and

242 (b) the information on the ballot stub that identifies:

243 (i) the poll worker's initials; and

244 (ii) the ballot number.

245 [~~(53)~~] (54) "Official register" means the official record furnished to election officials
246 by the election officer that contains the information required by Section 20A-5-401.

247 [~~(54)~~] (55) "Paper ballot" means a paper that contains:

248 (a) the names of offices and candidates and statements of ballot propositions to be
249 voted on; and

250 (b) spaces for the voter to record the voter's vote for each office and for or against each
251 ballot proposition.

252 [~~(55)~~] (56) "Political party" means an organization of registered voters that has
253 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
254 Formation and Procedures.

255 [~~(56)~~] (57) "Pollbook" means a record of the names of voters in the order that they
256 appear to cast votes.

257 [~~(57)~~] (58) "Polling place" means the building where voting is conducted.

258 [~~(58)~~] (59) (a) "Poll worker" means a person assigned by an election official to assist
259 with an election, voting, or counting votes.

260 (b) "Poll worker" includes election judges.

261 (c) "Poll worker" does not include a watcher.

262 [~~(59)~~] (60) "Position" means a square, circle, rectangle, or other geometric shape on a
263 ballot in which the voter marks the voter's choice.

264 [~~(60)~~] (61) "Primary convention" means the political party conventions held during the
265 year of the regular general election.

266 [~~(61)~~] (62) "Protective counter" means a separate counter, which cannot be reset, that:

267 (a) is built into a voting machine; and

268 (b) records the total number of movements of the operating lever.

269 [~~(62)~~] (63) "Provider election officer" means an election officer who enters into a
270 contract or interlocal agreement with a contracting election officer to conduct an election for
271 the contracting election officer's local political subdivision in accordance with Section
272 20A-5-400.1.

273 [~~(63)~~] (64) "Provisional ballot" means a ballot voted provisionally by a person:

274 (a) whose name is not listed on the official register at the polling place;

275 (b) whose legal right to vote is challenged as provided in this title; or

276 (c) whose identity was not sufficiently established by a poll worker.

277 [~~(64)~~] (65) "Provisional ballot envelope" means an envelope printed in the form
278 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
279 information to verify a person's legal right to vote.

280 [~~(65)~~] (66) "Qualify" or "qualified" means to take the oath of office and begin
281 performing the duties of the position for which the person was elected.

282 [~~(66)~~] (67) "Receiving judge" means the poll worker that checks the voter's name in the
283 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
284 after the voter has voted.

285 [~~(67)~~] (68) "Registration form" means a book voter registration form and a by-mail
286 voter registration form.

287 [~~(68)~~] (69) "Regular ballot" means a ballot that is not a provisional ballot.

288 [~~(69)~~] (70) "Regular general election" means the election held throughout the state on
289 the first Tuesday after the first Monday in November of each even-numbered year for the
290 purposes established in Section 20A-1-201.

291 [~~(70)~~] (71) "Regular primary election" means the election on the fourth Tuesday of
292 June of each even-numbered year, to nominate candidates of political parties and candidates for
293 nonpartisan local school board positions to advance to the regular general election.

294 [~~(71)~~] (72) "Resident" means a person who resides within a specific voting precinct in
295 Utah.

296 [~~(72)~~] (73) "Sample ballot" means a mock ballot similar in form to the official ballot
297 printed and distributed as provided in Section 20A-5-405.

298 [~~(73)~~] (74) "Scratch vote" means to mark or punch the straight party ticket and then
299 mark or punch the ballot for one or more candidates who are members of different political
300 parties or who are unaffiliated.

301 [~~(74)~~] (75) "Secrecy envelope" means the envelope given to a voter along with the
302 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
303 secrecy of the voter's vote.

304 [~~(75)~~] (76) "Special election" means an election held as authorized by Section

305 20A-1-203.

306 [~~(76)~~] (77) "Spoiled ballot" means each ballot that:

307 (a) is spoiled by the voter;

308 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

309 (c) lacks the official endorsement.

310 [~~(77)~~] (78) "Statewide special election" means a special election called by the governor
311 or the Legislature in which all registered voters in Utah may vote.

312 [~~(78)~~] (79) "Stub" means the detachable part of each ballot.

313 [~~(79)~~] (80) "Substitute ballots" means replacement ballots provided by an election
314 officer to the poll workers when the official ballots are lost or stolen.

315 [~~(80)~~] (81) "Ticket" means a list of:

316 (a) political parties;

317 (b) candidates for an office; or

318 (c) ballot propositions.

319 [~~(81)~~] (82) "Transfer case" means the sealed box used to transport voted ballots to the
320 counting center.

321 [~~(82)~~] (83) "Vacancy" means the absence of a person to serve in any position created
322 by statute, whether that absence occurs because of death, disability, disqualification,
323 resignation, or other cause.

324 [~~(83)~~] (84) "Valid voter identification" means:

325 (a) a form of identification that bears the name and photograph of the voter which may
326 include:

327 (i) a currently valid Utah driver license;

328 (ii) a currently valid identification card that is issued by:

329 (A) the state; or

330 (B) a branch, department, or agency of the United States;

331 (iii) a currently valid Utah permit to carry a concealed weapon;

332 (iv) a currently valid United States passport; or

333 (v) a currently valid United States military identification card;

334 (b) one of the following identification cards, whether or not the card includes a
335 photograph of the voter:

336 (i) a valid tribal identification card;
337 (ii) a Bureau of Indian Affairs card; or
338 (iii) a tribal treaty card; or
339 (c) two forms of identification not listed under Subsection [~~(83)~~] (84)(a) or (b) but that
340 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
341 which may include:

- 342 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
343 election;
- 344 (ii) a bank or other financial account statement, or a legible copy thereof;
- 345 (iii) a certified birth certificate;
- 346 (iv) a valid social security card;
- 347 (v) a check issued by the state or the federal government or a legible copy thereof;
- 348 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 349 (vii) a currently valid Utah hunting or fishing license;
- 350 (viii) certified naturalization documentation;
- 351 (ix) a currently valid license issued by an authorized agency of the United States;
- 352 (x) a certified copy of court records showing the voter's adoption or name change;
- 353 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 354 (xii) a currently valid identification card issued by:
- 355 (A) a local government within the state;
- 356 (B) an employer for an employee; or
- 357 (C) a college, university, technical school, or professional school located within the
358 state; or
- 359 (xiii) a current Utah vehicle registration.

360 [~~(84)~~] (85) "Valid write-in candidate" means a candidate who has qualified as a
361 write-in candidate by following the procedures and requirements of this title.

362 [~~(85)~~] (86) "Voter" means a person who:

- 363 (a) meets the requirements for voting in an election;
- 364 (b) meets the requirements of election registration;
- 365 (c) is registered to vote; and
- 366 (d) is listed in the official register book.

367 ~~[(86)]~~ (87) "Voter registration deadline" means the registration deadline provided in
368 Section [20A-2-102.5](#).

369 ~~[(87)]~~ (88) "Voting area" means the area within six feet of the voting booths, voting
370 machines, and ballot box.

371 ~~[(88)]~~ (89) "Voting booth" means:

372 (a) the space or compartment within a polling place that is provided for the preparation
373 of ballots, including the voting machine enclosure or curtain; or

374 (b) a voting device that is free standing.

375 ~~[(89)]~~ (90) "Voting device" means:

376 (a) an apparatus in which ballot sheets are used in connection with a punch device for
377 piercing the ballots by the voter;

378 (b) a device for marking the ballots with ink or another substance;

379 (c) an electronic voting device or other device used to make selections and cast a ballot
380 electronically, or any component thereof;

381 (d) an automated voting system under Section [20A-5-302](#); or

382 (e) any other method for recording votes on ballots so that the ballot may be tabulated
383 by means of automatic tabulating equipment.

384 ~~[(90)]~~ (91) "Voting machine" means a machine designed for the sole purpose of
385 recording and tabulating votes cast by voters at an election.

386 ~~[(91)]~~ (92) "Voting poll watcher" means a person appointed as provided in this title to
387 witness the distribution of ballots and the voting process.

388 ~~[(92)]~~ (93) "Voting precinct" means the smallest voting unit established as provided by
389 law within which qualified voters vote at one polling place.

390 ~~[(93)]~~ (94) "Watcher" means a voting poll watcher, a counting poll watcher, an
391 inspecting poll watcher, and a testing watcher.

392 ~~[(94)]~~ (95) "Western States Presidential Primary" means the election established in
393 Chapter 9, Part 8, Western States Presidential Primary.

394 ~~[(95)]~~ (96) "Write-in ballot" means a ballot containing any write-in votes.

395 ~~[(96)]~~ (97) "Write-in vote" means a vote cast for a person whose name is not printed on
396 the ballot according to the procedures established in this title.

397 Section 2. Section **20A-1-501** is amended to read:

398 **20A-1-501. Candidate vacancies -- Procedure for filling.**

399 (1) The state central committee of a political party, for candidates for United States
400 senator, United States representative, governor, lieutenant governor, attorney general, state
401 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
402 more than one county, and the county central committee of a political party, for all other party
403 candidates seeking an office elected at a regular general election, may certify the name of
404 another candidate to the appropriate election officer if:

405 (a) for a registered political party that will have a candidate on a ballot in a primary
406 election, after the close of the period for filing a declaration of candidacy and continuing
407 through the day before the day on which the lieutenant governor provides the list described in
408 Subsection [20A-9-403\(4\)\(a\)](#):

409 (i) only one or two candidates from that party have filed a declaration of candidacy for
410 that office; and

411 (ii) one or both:

412 (A) dies;

413 (B) resigns because of acquiring a physical or mental disability, certified by a
414 physician, that prevents the candidate from continuing the candidacy; or

415 (C) is disqualified by an election officer for improper filing or nominating procedures;

416 (b) for a registered political party that does not have a candidate on the ballot in a
417 primary, but that will have a candidate on the ballot for a general election, after the close of the
418 period for filing a declaration of candidacy and continuing through the day before the day on
419 which the lieutenant governor makes the certification described in Section [[20A-5-409](#)]
420 [20A-9-701](#), the party's candidate:

421 (i) dies;

422 (ii) resigns because of acquiring a physical or mental disability as certified by a
423 physician;

424 (iii) is disqualified by an election officer for improper filing or nominating procedures;

425 or

426 (iv) resigns to become a candidate for president or vice president of the United States;

427 or

428 (c) for a registered political party with a candidate certified as winning a primary

429 election, after the deadline described in Subsection (1)(a) and continuing through the day
430 before that day on which the lieutenant governor makes the certification described in Section
431 ~~[20A-5-409]~~ 20A-9-701, the party's candidate:

432 (i) dies;

433 (ii) resigns because of acquiring a physical or mental disability as certified by a
434 physician;

435 (iii) is disqualified by an election officer for improper filing or nominating procedures;

436 or

437 (iv) resigns to become a candidate for president or vice president of the United States.

438 (2) If no more than two candidates from a political party have filed a declaration of
439 candidacy for an office elected at a regular general election and one resigns to become the party
440 candidate for another position, the state central committee of that political party, for candidates
441 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
442 legislative candidates whose legislative districts encompass more than one county, and the
443 county central committee of that political party, for all other party candidates, may certify the
444 name of another candidate to the appropriate election officer.

445 (3) Each replacement candidate shall file a declaration of candidacy as required by
446 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

447 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
448 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

449 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
450 described in Subsection (1)(b) may not appear on the general election ballot.

451 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
452 described in Subsection (1)(c) may not appear on the general election ballot.

453 (5) A political party may not replace a candidate who is disqualified for failure to
454 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and
455 Financial Reporting Requirements, or Section ~~17-16-6.5~~.

456 Section 3. Section ~~20A-1-503~~ is amended to read:

457 **20A-1-503. Midterm vacancies in the Legislature.**

458 (1) As used in this section:

459 (a) "Filing deadline" means the final date for filing:

460 (i) a declaration of candidacy as provided in Section 20A-9-202; and

461 (ii) a certificate of nomination as provided in Section 20A-9-503.

462 (b) "Party liaison" means the political party officer designated to serve as a liaison with
463 the lieutenant governor on all matters relating to the political party's relationship with the state
464 as required by Section 20A-8-401.

465 (2) When a vacancy occurs for any reason in the office of representative in the
466 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
467 name was submitted by the party liaison of the same political party as the prior representative.

468 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
469 the office of senator in the Legislature, ~~[it]~~ the vacancy shall be filled for the unexpired term at
470 the next regular general election.

471 (b) The governor shall fill the vacancy until the next regular general election by
472 immediately appointing the person whose name was submitted by the party liaison of the same
473 political party as the prior senator.

474 (4) (a) ~~[Hf] For an even-numbered year in which the term of office does not expire, if a~~
475 ~~vacancy described in Subsection (3)(a) occurs after [the filing deadline but before August 31 of~~
476 ~~an even-numbered year in which the term of office does not expire]~~ January 1, and at least two
477 days before the day on which the lieutenant governor certifies candidates for the regular general
478 election ballot under Section 20A-9-701, the lieutenant governor shall:

479 (i) establish a date, which is before the date for a candidate to be certified for the ballot
480 under Section 20A-9-701 and no later than 21 days after the day on which the vacancy
481 occurred, by which a person intending to obtain a position on the ballot for the vacant office
482 shall file:

483 (A) a declaration of candidacy; or

484 (B) a certificate of nomination; and

485 (ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

486 (A) on the lieutenant governor's website; and

487 (B) to each registered political party.

488 (b) A person intending to obtain a position on the ballot for the vacant office shall:

489 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or

490 certificate of nomination according to the procedures and requirements of Chapter 9, Candidate

491 Qualifications and Nominating Procedures; and

492 (ii) run in the regular general election if:

493 (A) nominated as a party candidate; or

494 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate

495 Qualifications and Nominating Procedures.

496 (c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after
497 the third Saturday in April and before August 31 of an even-numbered year in which the term
498 of office does not expire, a party liaison from each registered political party may submit a name
499 of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for
500 placement on the regular general election ballot.

501 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
502 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
503 unexpired term by immediately appointing the person whose name was submitted by the party
504 liaison of the same political party as the prior senator.

505 Section 4. Section **20A-1-509.1** is amended to read:

506 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
507 **or more attorneys.**

508 (1) When a vacancy occurs in the office of county or district attorney in a county or
509 district having 15 or more attorneys who are licensed active members in good standing with the
510 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

511 (2) (a) The requirements of this Subsection (2) apply when:

512 (i) the office of county attorney or district attorney becomes vacant [~~and~~];

513 [~~(i)~~] (ii) the vacant office has an unexpired term of two years or more; and

514 [~~(ii)~~] (iii) the vacancy occurs before [~~the third Thursday in March of the~~] January 1 of
515 an even-numbered year.

516 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
517 notify the public and each registered political party that the vacancy exists.

518 (c) All persons intending to become candidates for the vacant office shall:

519 (i) file a declaration of candidacy according to the procedures and requirements of
520 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

521 (ii) if nominated as a party candidate or qualified as an independent or write-in

522 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
523 regular general election; and

524 (iii) if elected, complete the unexpired term of the person who created the vacancy.

525 ~~[(d) If the vacancy occurs after the second Friday in March and before the third~~
526 ~~Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202~~
527 ~~shall be extended until seven days after the county clerk gives notice under Subsection (2)(b);~~
528 ~~but no later than the fourth Thursday in March.]~~

529 (3) (a) The requirements of this Subsection (3) apply when:

530 (i) the office of county attorney or district attorney becomes vacant ~~[and:];~~

531 ~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

532 ~~[(ii)]~~ (iii) the vacancy occurs after ~~[the third Thursday in March of the]~~ January 1 of an
533 even-numbered year but more than 75 days before the regular primary election.

534 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
535 shall:

536 (i) notify the public and each registered political party that the vacancy exists; and

537 (ii) identify the date and time by which a person interested in becoming a candidate
538 shall file a declaration of candidacy.

539 (c) All persons intending to become candidates for the vacant office shall:

540 (i) within five days after the date that the notice is made, ending at the close of normal
541 office hours on the fifth day, file a declaration of candidacy for the vacant office as required by
542 Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

543 (ii) if elected, complete the unexpired term of the person who created the vacancy.

544 (d) The county central committee of each party shall:

545 (i) select a candidate or candidates from among those qualified candidates who have
546 filed declarations of candidacy; and

547 (ii) certify the name of the candidate or candidates to the county clerk at least 60 days
548 before the regular primary election.

549 (4) (a) The requirements of this Subsection (4) apply when:

550 (i) the office of county attorney or district attorney becomes vacant ~~[and:];~~

551 ~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

552 ~~[(ii)]~~ (iii) 75 days or less remain before the regular primary election but more than 65

553 days remain before the regular general election.

554 (b) When the conditions established in Subsection (4)(a) are met, the county central
555 committees of each registered political party that wish to submit a candidate for the office shall
556 summarily certify the name of one candidate to the county clerk for placement on the regular
557 general election ballot.

558 (c) The candidate elected shall complete the unexpired term of the person who created
559 the vacancy.

560 (5) (a) The requirements of this Subsection (5) apply when:

561 ~~(i)~~ the office of county attorney or district attorney becomes vacant; and~~[:]~~

562 ~~[(i)]~~ (ii) (A) the vacant office has an unexpired term of less than two years; or

563 ~~[(i)]~~ (B) the vacant office has an unexpired term of two years or more but 65 days or
564 less remain before the next regular general election.

565 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
566 body shall give notice of the vacancy to the county central committee of the same political
567 party of the prior officeholder and invite that committee to submit the names of three nominees
568 to fill the vacancy.

569 (c) That county central committee shall, within 30 days of receiving notice from the
570 county legislative body, submit to the county legislative body the names of three nominees to
571 fill the vacancy.

572 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
573 one of those nominees to serve out the unexpired term.

574 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
575 days, the county clerk shall send to the governor a letter that:

576 (i) informs the governor that the county legislative body has failed to appoint a person
577 to fill the vacancy within the statutory time period; and

578 (ii) contains the list of nominees submitted by the party central committee.

579 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
580 within 30 days after receipt of the letter.

581 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
582 unexpired term of the person who created the vacancy.

583 (6) Nothing in this section prevents or prohibits independent candidates from filing a

584 declaration of candidacy for the office within the required time limits.

585 Section 5. Section **20A-4-301** is amended to read:

586 **20A-4-301. Board of canvassers.**

587 (1) (a) Each county legislative body is the board of county canvassers for:

588 (i) the county; and

589 (ii) each local district whose election is conducted by the county if:

590 (A) the election relates to the creation of the local district;

591 (B) the county legislative body serves as the governing body of the local district; or

592 (C) there is no duly constituted governing body of the local district.

593 (b) The board of county canvassers shall meet to canvass the returns at the usual place

594 of meeting of the county legislative body[;]:

595 (i) for a runoff election, seven days after the runoff election; or

596 (ii) for an election other than a runoff election, at a date and time determined by the

597 county clerk that is no sooner than seven days after the election and no later than 14 days after

598 the election.

599 (c) If one or more of the county legislative body fails to attend the meeting of the board

600 of county canvassers, the remaining members shall replace the absent member by appointing in

601 the order named:

602 (i) the county treasurer;

603 (ii) the county assessor; or

604 (iii) the county sheriff.

605 (d) Attendance of the number of persons equal to a simple majority of the county

606 legislative body, but not less than three persons, shall constitute a quorum for conducting the

607 canvass.

608 (e) The county clerk is the clerk of the board of county canvassers.

609 (2) (a) The mayor and the municipal legislative body are the board of municipal

610 canvassers for the municipality.

611 (b) The board of municipal canvassers shall meet to canvass the returns at the usual

612 place of meeting of the municipal legislative body:

613 (i) for canvassing of returns from a municipal general election, no sooner than seven

614 days after the election and no later than 14 days after the election; or

615 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
616 days after the election and no later than 14 days after the election.

617 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
618 quorum for conducting the canvass.

619 (3) (a) The legislative body of the entity authorizing a bond election is the board of
620 canvassers for each bond election.

621 (b) The board of canvassers for the bond election shall comply with the canvassing
622 procedures and requirements of Section 11-14-207.

623 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
624 bond election shall constitute a quorum for conducting the canvass.

625 Section 6. Section 20A-4-304 is amended to read:

626 **20A-4-304. Declaration of results -- Canvassers' report.**

627 (1) Each board of canvassers shall:

628 (a) except as provided in Subsection (1)(b), declare "elected" or "nominated" those
629 persons who:

630 (i) had the highest number of votes; and

631 (ii) sought election or nomination to an office completely within the board's
632 jurisdiction;

633 (b) for a regular primary election race where a runoff election is required, determine
634 the number of votes received by each candidate for the purpose of determining the candidates
635 who will participate in a runoff election;

636 [~~(b)~~] (c) declare:

637 (i) "approved" those ballot propositions that:

638 (A) had more "yes" votes than "no" votes; and

639 (B) were submitted only to the voters within the board's jurisdiction;

640 (ii) "rejected" those ballot propositions that:

641 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
642 votes; and

643 (B) were submitted only to the voters within the board's jurisdiction;

644 [~~(c)~~] (d) certify the vote totals for persons and for and against ballot propositions that
645 were submitted to voters within and beyond the board's jurisdiction and transmit those vote

646 totals to the lieutenant governor; and

647 ~~[(d)]~~ (e) if applicable, certify the results of each local district election to the local
648 district clerk.

649 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
650 result, which shall contain:

651 (i) the total number of votes cast in the board's jurisdiction;

652 (ii) the names of each candidate whose name appeared on the ballot;

653 (iii) the title of each ballot proposition that appeared on the ballot;

654 (iv) each office that appeared on the ballot;

655 (v) from each voting precinct:

656 (A) the number of votes for each candidate; and

657 (B) the number of votes for and against each ballot proposition;

658 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
659 for and against each ballot proposition;

660 (vii) the number of ballots that were rejected; and

661 (viii) a statement certifying that the information contained in the report is accurate.

662 (b) The election officer and the board of canvassers shall:

663 (i) review the report to ensure that it is correct; and

664 (ii) sign the report.

665 (c) The election officer shall:

666 (i) record or file the certified report in a book kept for that purpose;

667 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
668 to each nominated or elected candidate;

669 (iii) publish a copy of the certified report:

670 (A) in one or more conspicuous places within the jurisdiction;

671 (B) in a conspicuous place on the county's website; and

672 (C) in a newspaper with general circulation in the board's jurisdiction; and

673 (iv) file a copy of the certified report with the lieutenant governor.

674 (3) When there has been a regular general or a statewide special election for statewide
675 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
676 or more county ballot proposition, each board of canvassers shall:

677 (a) prepare a separate report detailing the number of votes for each candidate and the
678 number of votes for and against each ballot proposition; and

679 (b) transmit it by registered mail to the lieutenant governor.

680 (4) In each county election, municipal election, school election, local district election,
681 and local special election, the election officer shall transmit the reports to the lieutenant
682 governor within 14 days after the date of the election.

683 (5) In regular primary elections and in the Western States Presidential Primary, the
684 board shall transmit to the lieutenant governor:

685 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
686 governor:

687 (i) not later than the second Tuesday after the primary election for the regular primary
688 election; and

689 (ii) not later than the Tuesday following the election for the Western States Presidential
690 Primary; and

691 (b) a complete tabulation showing voting totals for all primary races, precinct by
692 precinct, [~~to be mailed to the lieutenant governor on or before the third Friday following~~] no
693 more than 14 days after the primary election.

694 Section 7. Section **20A-4-306** is amended to read:

695 **20A-4-306. Statewide canvass.**

696 (1) (a) The state board of canvassers shall convene:

697 (i) on the fourth Monday of November, at noon; or

698 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
699 returns of a statewide special election.

700 (b) The state auditor, the state treasurer, and the attorney general are the state board of
701 canvassers.

702 (c) Attendance of all members of the state board of canvassers shall be required to
703 constitute a quorum for conducting the canvass.

704 (2) (a) The state board of canvassers shall:

705 (i) meet in the lieutenant governor's office; and

706 (ii) compute and determine the vote for officers and for and against any ballot
707 propositions voted upon by the voters of the entire state or of two or more counties.

708 (b) The lieutenant governor, as secretary of the board shall file a report in his office
709 that details:

710 (i) for each statewide officer and ballot proposition:

711 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

712 (B) the candidates for each statewide office whose names appeared on the ballot, plus
713 any recorded write-in candidates;

714 (C) the number of votes from each county cast for each candidate and for and against
715 each ballot proposition;

716 (D) the total number of votes cast statewide for each candidate and for and against each
717 ballot proposition; and

718 (E) the total number of votes cast statewide; and

719 (ii) for each officer or ballot proposition voted on in two or more counties:

720 (A) the name of each of those offices and ballot propositions that appeared on the
721 ballot;

722 (B) the candidates for those offices, plus any recorded write-in candidates;

723 (C) the number of votes from each county cast for each candidate and for and against
724 each ballot proposition; and

725 (D) the total number of votes cast for each candidate and for and against each ballot
726 proposition.

727 (c) The lieutenant governor shall:

728 (i) prepare certificates of election for:

729 (A) each successful candidate; and

730 (B) each of the presidential electors of the candidate for president who received a
731 majority of the votes;

732 (ii) authenticate each certificate with his seal; and

733 (iii) deliver a certificate of election to:

734 (A) except as otherwise required for a runoff election, each candidate who had the
735 highest number of votes for each office; and

736 (B) each of the presidential electors of the candidate for president who received a
737 majority of the votes.

738 (3) If the lieutenant governor has not received election returns from all counties on the

739 fifth day before the day designated for the meeting of the state board of canvassers, the
740 lieutenant governor shall:

741 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
742 county;

743 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
744 required by Section [20A-4-304](#) from the clerk; and

745 (c) pay the messenger the per diem provided by law as compensation.

746 (4) The state board of canvassers may not withhold the declaration of the result or any
747 certificate of election because of any defect or informality in the returns of any election if the
748 board can determine from the returns, with reasonable certainty, what office is intended and
749 who is elected to it.

750 (5) (a) At noon [~~on the fourth Monday after~~] 16 days after the day of the regular
751 primary election, the lieutenant governor shall:

752 (i) canvass the returns for all statewide and multicounty candidates required to file with
753 the office of the lieutenant governor; [~~and~~]

754 (ii) publish and file the results of the canvass in the lieutenant governor's office[-]; and

755 (iii) certify the name of each candidate for a statewide or multicounty office that will
756 participate in a runoff election.

757 (b) [~~Not~~] Except as provided in Subsection (5)(c), no later than the August 1 after the
758 regular primary election, the lieutenant governor shall certify the results of:

759 (i) the primary canvass, except for the office of President of the United States, to the
760 county clerks; and

761 (ii) the primary canvass for the office of President of the United States to each
762 registered political party that participated in the primary.

763 (c) For a regular primary election in which a runoff election is held, no later than nine
764 days after the day of the runoff election, the lieutenant governor shall certify the results of the
765 runoff election canvass to the county clerks.

766 (6) (a) At noon on the day that falls seven days after the last day on which a county
767 canvass may occur under Section [20A-4-301](#) for the Western States Presidential Primary
768 election, the lieutenant governor shall:

769 (i) canvass the returns; and

770 (ii) publish and file the results of the canvass in the lieutenant governor's office.

771 (b) The lieutenant governor shall certify the results of the Western States Presidential
772 Primary canvass to each registered political party that participated in the primary not later than
773 the April 15 after the primary election.

774 Section 8. Section **20A-4-401** is amended to read:

775 **20A-4-401. Recounts -- Procedure.**

776 (1) (a) Except as provided in Subsection (1)(b), for a race between candidates, if the
777 difference between the number of votes cast for a winning candidate in the race and a losing
778 candidate in the race is equal to or less than .25% of the total number of votes cast for all
779 candidates in the race, that losing candidate may file a request for a recount in accordance with
780 Subsection (1)(c).

781 (b) For a race between candidates where the total of all votes cast in the race is 400 or
782 less, if the difference between the number of votes cast for a winning candidate in the race and
783 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
784 in accordance with Subsection (1)(c).

785 (c) A candidate who files a request for a recount under Subsection (1)(a) or (b) shall
786 file the request:

787 (i) for a municipal primary election, with the municipal clerk, within [~~three days after~~]
788 one business day after the day of the canvass; or

789 (ii) for all other elections, within [~~seven days after~~] one business day after the day of
790 the canvass with:

791 (A) the municipal clerk, if the election is a municipal general election;

792 (B) the local district clerk, if the election is a local district election;

793 (C) the county clerk, for races voted on entirely within a single county; or

794 (D) the lieutenant governor, for statewide races and multicounty races.

795 (d) The election officer shall:

796 (i) supervise the recount;

797 (ii) recount all ballots cast for that race;

798 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
799 3, Absentee Voting;

800 (iv) except as provided in Subsection (1)(d), for a race where only one candidate may

801 win, declare elected the candidate who receives the highest number of votes on the recount;
802 and

803 (v) except as provided in Subsection (1)(d), for a race where multiple candidates may
804 win, declare elected the applicable number of candidates who receive the highest number of
805 votes on the recount.

806 (d) For a regular primary election race where a runoff election is required, the election
807 officer shall determine the number of votes received by each candidate for the purpose of
808 determining the candidates who will participate in the runoff election.

809 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
810 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
811 the total votes cast for or against the proposition, any 10 voters who voted in the election where
812 the proposition was on the ballot may file a request for a recount within [~~seven days~~] one
813 business day after the day of the canvass with the person described in Subsection (2)(c).

814 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
815 against the proposition is 400 or less, if the difference between the number of votes cast for the
816 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
817 voted in the election where the proposition was on the ballot may file a request for a recount
818 within [~~seven days~~] one business day after the day of the canvass with the person described in
819 Subsection (2)(c).

820 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
821 file the request with:

- 822 (i) the municipal clerk, if the election is a municipal election;
823 (ii) the local district clerk, if the election is a local district election;
824 (iii) the county clerk, for propositions voted on entirely within a single county; or
825 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

826 (d) The election officer shall:

- 827 (i) supervise the recount;
828 (ii) recount all ballots cast for that ballot proposition or bond proposition;
829 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
830 3, Absentee Voting; and

831 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"

832 based upon the results of the recount.

833 (e) Proponents and opponents of the ballot proposition or bond proposition may
834 designate representatives to witness the recount.

835 (f) The voters requesting the recount shall pay the costs of the recount.

836 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
837 person requesting the recount.

838 (4) (a) Upon completion of the recount, the election officer shall immediately convene
839 the board of canvassers.

840 (b) The board of canvassers shall:

841 (i) canvass the election returns for the race or proposition that was the subject of the
842 recount; and

843 (ii) with the assistance of the election officer, prepare and sign the report required by
844 Section 20A-4-304 or Section 20A-4-306.

845 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
846 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
847 governor as required by Subsection 20A-4-304(3).

848 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
849 result of the race or proposition that is the subject of the recount.

850 Section 9. Section 20A-4-403 is amended to read:

851 **20A-4-403. Election contest -- Petition and response.**

852 (1) (a) In contesting the results of all elections, except for primary elections and bond
853 elections, a registered voter shall contest the right of any person declared elected to any office
854 by filing a verified written complaint with the district court of the county in which he resides
855 within ~~[40]~~ seven days after the day of the canvass.

856 (b) The complaint shall include:

857 (i) the name of the party contesting the election;

858 (ii) a statement that the party is a registered voter in the jurisdiction in which the
859 election was held;

860 (iii) the name of the person whose right to the office is contested;

861 (iv) the office to which that person was ostensibly elected;

862 (v) one or more of the grounds for an election contest specified in Section 20A-4-402;

863 (vi) the person who was purportedly elected to the office as respondent; and
864 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
865 ground for the contest, the name and address of all persons who allegedly cast illegal votes or
866 whose legal vote was rejected.

867 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
868 cause of contest, it is sufficient to state generally that:

869 (i) illegal votes were given in one or more specified voting precincts to a person whose
870 election is contested, which, if taken from him, would reduce the number of his legal votes
871 below the number of legal votes given to some other person for the same office; or

872 (ii) that legal votes for another person were rejected, which, if counted, would raise the
873 number of legal votes for that person above the number of legal votes cast for the person whose
874 election is contested.

875 (d) (i) The court may not take or receive evidence of any of the votes described in
876 Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least
877 three days before the trial, a written list of the number of contested votes and by whom the
878 contested votes were given or offered, which he intends to prove at trial.

879 (ii) The court may not take or receive any evidence of contested votes except those that
880 are specified in that list.

881 (2) (a) In contesting the results of a primary election, when contesting the petition
882 nominating an independent candidate, or when challenging any person, election officer,
883 election official, board, or convention for failing to nominate a person, a registered voter shall
884 contest the right of any person declared nominated to any office by filing a verified written
885 complaint within [~~10~~] seven days after the [~~date~~] day of the canvass for the primary election,
886 after the date of filing of the petition, or after the [~~date~~] day of the convention, respectively,
887 with:

888 (i) the district court of the county in which [~~he~~] the registered voter resides if [~~he~~] the
889 registered voter is contesting a nomination made only by voters from that county; or

890 (ii) the Utah Supreme Court, if [~~he~~] the registered voter is contesting a nomination
891 made by voters in more than one county.

892 (b) The complaint shall include:

893 (i) the name of the party contesting the nomination;

894 (ii) a statement that the contesting party is a registered voter in the jurisdiction in which
895 the election was held;

896 (iii) the name of the person whose right to nomination is contested or the name of the
897 person who failed to have their name placed in nomination;

898 (iv) the office to which that person was nominated or should have been nominated;

899 (v) one or more of the grounds for an election contest specified in Subsection (1);

900 (vi) the person who was purportedly nominated to the office as respondent; and

901 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
902 ground for the contest, the name and address of all persons who allegedly cast illegal votes or
903 whose legal vote was rejected.

904 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
905 cause of contest, it is sufficient to state generally that:

906 (i) illegal votes were given to a person whose election is contested, which, if taken
907 from him, would reduce the number of his legal votes below the number of legal votes given to
908 some other person for the same office; or

909 (ii) legal votes for another person were rejected, which, if counted, would raise the
910 number of legal votes for that person above the number of legal votes cast for the person whose
911 election is contested.

912 (d) (i) The court may not take or receive evidence of any the votes described in
913 Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least
914 three days before the trial, a written list of the number of contested votes and by whom the
915 contested votes were given or offered, which he intends to prove at trial.

916 (ii) The court may not take or receive any evidence of contested votes except those that
917 are specified in that list.

918 (3) (a) In contesting the results of a bond election, a registered voter shall contest the
919 validity of the declared results by filing a verified written complaint with the district court of
920 the county in which ~~he~~ the registered voter resides within ~~[40]~~ seven days after the ~~[date]~~ day
921 of the official finding entered under Section 11-14-207.

922 (b) The complaint shall include:

923 (i) the name of the party contesting the election;

924 (ii) a statement that the party is a registered voter in the jurisdiction in which the

925 election was held;

926 (iii) the bond proposition that is the subject of the contest;

927 (iv) one or more of the grounds for an election contest specified in Section [20A-4-402](#);

928 and

929 (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground
930 for the contest, the name and address of all persons who allegedly cast illegal votes or whose
931 legal vote was rejected.

932 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
933 cause of contest, it is sufficient to state generally that:

934 (i) illegal votes were counted in one or more specified voting precincts which, if taken
935 out of the count, would change the declared result of the vote on the proposition; or

936 (ii) legal votes were rejected in one or more specified voting precincts, which, if
937 counted, would change the declared result of the vote on the proposition.

938 (d) (i) The court may not take or receive evidence of any of the votes described in
939 Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least
940 three days before the trial, a written list of the number of contested votes and by whom the
941 contested votes were given or offered, which he intends to prove at trial.

942 (ii) The court may not take or receive any evidence of contested votes except those that
943 are specified in that list.

944 (4) The court may not reject any statement of the grounds of contest or dismiss the
945 proceedings because of lack of form, if the grounds of the contest are alleged with such
946 certainty as will advise the defendant of the particular proceeding or cause for which the
947 election is contested.

948 (5) (a) The petitioner shall serve a copy of the petition on the respondent.

949 (b) (i) If the petitioner cannot obtain personal service of the petition on the respondent,
950 the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the
951 court with which the petition was filed.

952 (ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he
953 has five days to answer the complaint.

954 (c) The respondent shall answer the petition within five days after the service.

955 (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground

956 for the contest, the defendant shall set forth in the answer the name and address of all persons
957 whom the defendant believes were properly or improperly admitted or denied the vote.

958 (e) If the answer contains a counterclaim, the petitioner shall file a reply within [10]
959 seven days after service of the counterclaim.

960 (6) (a) The provisions of this Subsection (6) provide additional requirements that apply
961 to municipal election contests that are in addition to the other requirements of this section
962 governing election contest.

963 (b) Municipal election contests shall be filed, tried, and determined in the district court
964 of the county in which the municipality is located.

965 (c) (i) [~~As a condition precedent to~~] When filing a municipal election contest petition,
966 the petitioner shall file a written affidavit [~~of intention to contest the election~~] with the clerk of
967 the court within seven days after the votes are canvassed.

968 (ii) The affidavit shall include:

969 (A) the petitioner's name;

970 (B) the fact that the petitioner is a qualified voter of the municipality;

971 (C) the respondent's name;

972 (D) the elective office contested;

973 (E) the time of election; and

974 (F) the grounds for the contest.

975 (d) (i) Before the district court takes jurisdiction of a municipal election contest, the
976 petitioner shall file a bond with the clerk of the court with the sureties required by the court.

977 (ii) The bond shall name the respondent as obligee and be conditioned for the payment
978 of all costs incurred by the respondent if the respondent prevails.

979 Section 10. Section **20A-5-303** is amended to read:

980 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**
981 **Common polling places -- Combined voting precincts.**

982 (1) (a) After receiving recommendations from the county clerk, the county legislative
983 body may establish, divide, abolish, and change voting precincts.

984 (b) Within 30 days after the establishment, division, abolition, or change of a voting
985 precinct under this section, the county legislative body shall file with the Automated
986 Geographic Reference Center, created under Section **63F-1-506**, a notice describing the action

987 taken and specifying the resulting boundaries of each voting precinct affected by the action.

988 (2) (a) The county legislative body shall alter or divide voting precincts so that each
989 voting precinct contains not more than 1,250 active voters.

990 (b) The county legislative body shall:

991 (i) identify those precincts that may reach the limit of active voters in a precinct under
992 Subsection (2)(a) or that becomes too large to facilitate the election process; and

993 (ii) except as provided by Subsection (3), divide those precincts on or before January 1
994 of a general election year.

995 (3) A county legislative body shall divide a precinct identified under Subsection
996 (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
997 calendar year in which the Legislature divides the state into districts in accordance with Utah
998 Constitution, Article IX, Section 1.

999 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the
1000 county legislative body may not:

1001 (a) establish or abolish any voting precinct after January 1 of a regular general election
1002 year;

1003 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
1004 general election year; or

1005 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
1006 year immediately preceding the year in which an enumeration is required by the United States
1007 Constitution and the day on which the Legislature divides the state into districts in accordance
1008 with Utah Constitution, Article IX, Section 1.

1009 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
1010 precinct on or before January 31 of a regular general election year that immediately follows the
1011 calendar year in which the Legislature divides the state into districts in accordance with Utah
1012 Constitution, Article IX, Section 1.

1013 (6) (a) For the purpose of voting in an election, including a runoff election, the county
1014 legislative body may establish a common polling place for two or more whole voting precincts.

1015 (b) ~~[At least 90 days before the election]~~ In accordance with deadlines established by
1016 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by
1017 the director of elections within the Office of the Lieutenant Governor, the county legislative

1018 body shall designate:

1019 (i) the voting precincts that will vote at the common polling place; and

1020 (ii) the location of the common polling place.

1021 (c) A county may use one set of election judges for the common polling place under

1022 this Subsection (6).

1023 (7) Each county shall have at least two polling places open for voting on the date of the

1024 election and the date of a runoff election.

1025 (8) Each common polling place shall have at least one voting device that is accessible

1026 for individuals with disabilities in accordance with Public Law 107-252, the Help America

1027 Vote Act of 2002.

1028 Section 11. Section **20A-7-702** is amended to read:

1029 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

1030 (1) The lieutenant governor shall ensure that all information submitted for publication

1031 in the voter information pamphlet is:

1032 (a) printed and bound in a single pamphlet;

1033 (b) printed in clear readable type, no less than 10 point, except that the text of any

1034 measure may be set forth in eight-point type; and

1035 (c) printed on a quality and weight of paper that best serves the voters.

1036 (2) [~~The~~] Subject to Subsection (5), the voter information pamphlet shall contain the

1037 following items in this order:

1038 (a) a cover title page;

1039 (b) an introduction to the pamphlet by the lieutenant governor;

1040 (c) a table of contents;

1041 (d) a list of all candidates for constitutional offices;

1042 (e) a list of candidates for each legislative district;

1043 (f) a 100-word statement of qualifications for each candidate for the office of governor,

1044 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the

1045 candidate to the lieutenant governor's office before 5 p.m. on [~~the date that falls 105 days~~

1046 ~~before the date of the election~~] the first business day in August;

1047 (g) information pertaining to all measures to be submitted to the voters, beginning a

1048 new page for each measure and containing, in the following order for each measure:

- 1049 (i) a copy of the number and ballot title of the measure;
- 1050 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
1051 the Legislature or by referendum;
- 1052 (iii) the impartial analysis of the measure prepared by the Office of Legislative
1053 Research and General Counsel;
- 1054 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
1055 measure, the arguments against the measure, and the rebuttal to the arguments against the
1056 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 1057 (v) for each constitutional amendment, a complete copy of the text of the constitutional
1058 amendment, with all new language underlined, and all deleted language placed within brackets;
- 1059 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
1060 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
1061 [20A-7-202.5](#); and
- 1062 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
1063 being submitted to the voters for their approval or rejection, with all new language underlined
1064 and all deleted language placed within brackets, as applicable;
- 1065 (h) a description provided by the Judicial Performance Evaluation Commission of the
1066 selection and retention process for judges, including, in the following order:
- 1067 (i) a description of the judicial selection process;
- 1068 (ii) a description of the judicial performance evaluation process;
- 1069 (iii) a description of the judicial retention election process;
- 1070 (iv) a list of the criteria of the judicial performance evaluation and the minimum
1071 performance standards;
- 1072 (v) the names of the judges standing for retention election; and
- 1073 (vi) for each judge:
- 1074 (A) a list of the counties in which the judge is subject to retention election;
- 1075 (B) a short biography of professional qualifications and a recent photograph;
- 1076 (C) a narrative concerning the judge's performance;
- 1077 (D) for each standard of performance, a statement identifying whether or not the judge
1078 met the standard and, if not, the manner in which the judge failed to meet the standard;
- 1079 (E) a statement identifying whether or not the Judicial Performance Evaluation

1080 Commission recommends the judge be retained or declines to make a recommendation and the
1081 number of votes for and against the commission's recommendation;

1082 (F) any statement provided by a judge who is not recommended for retention by the
1083 Judicial Performance Evaluation Commission under Section 78A-12-203;

1084 (G) in a bar graph, the average of responses to each survey category, displayed with an
1085 identification of the minimum acceptable score as set by Section 78A-12-205 and the average
1086 score of all judges of the same court level; and

1087 (H) a website address that contains the Judicial Performance Evaluation Commission's
1088 report on the judge's performance evaluation;

1089 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
1090 cumulative number of informal reprimands, when consented to by the judge in accordance with
1091 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
1092 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article
1093 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
1094 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
1095 that the judge has received;

1096 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,
1097 indicating the ballot marking procedure used by each county and explaining how to mark the
1098 ballot for each procedure;

1099 (k) voter registration information, including information on how to obtain an absentee
1100 ballot;

1101 (l) a list of all county clerks' offices and phone numbers; and

1102 (m) on the back cover page, a printed copy of the following statement signed by the
1103 lieutenant governor:

1104 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
1105 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
1106 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
1107 correct according to law.

1108 SEAL

1109 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
1110 of ____ (month), ____ (year)

1111 (signed) _____
1112 Lieutenant Governor"

1113 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting
1114 commences, the lieutenant governor shall:

1115 (a) (i) distribute one copy of the voter information pamphlet to each household within
1116 the state;

1117 (ii) distribute to each household within the state a notice:

1118 (A) printed on a postage prepaid, preaddressed return form that a person may use to
1119 request delivery of a voter information pamphlet by mail;

1120 (B) that states the address of the Statewide Electronic Voter Information Website
1121 authorized by Section 20A-7-801; and

1122 (C) that states the phone number a voter may call to request delivery of a voter
1123 information pamphlet by mail; or

1124 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of
1125 every newspaper of general circulation in the state;

1126 (b) ensure that a sufficient number of printed voter information pamphlets are available
1127 for distribution as required by this section;

1128 (c) provide voter information pamphlets to each county clerk for free distribution upon
1129 request and for placement at polling places; and

1130 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
1131 before the election.

1132 (4) The lieutenant governor may distribute a voter information pamphlet at a location
1133 frequented by a person who cannot easily access the Statewide Electronic Voter Information
1134 Website authorized by Section 20A-7-801.

1135 (5) If, when the lieutenant governor submits the voter information pamphlet for
1136 printing, the candidates who will appear on the ballot for a particular race are not known, the
1137 lieutenant governor may include in the voter information pamphlet the name and qualification
1138 statement of each candidate who may appear on the ballot together with a statement indicating:

1139 (a) that, at the time of printing, the names of the candidates who would appear on the
1140 ballot for that race were not known; and

1141 (b) the website where a voter may view the list of candidates who will appear on the

1142 ballot for that race.

1143 Section 12. Section **20A-7-801** is amended to read:

1144 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
1145 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
1146 **Frequently asked voter questions -- Other elections.**

1147 (1) There is established the Statewide Electronic Voter Information Website Program
1148 administered by the lieutenant governor in cooperation with the county clerks for general
1149 elections and municipal authorities for municipal elections.

1150 (2) In accordance with this section, and as resources become available, the lieutenant
1151 governor, in cooperation with county clerks, shall develop, establish, and maintain a
1152 state-provided Internet website designed to help inform the voters of the state of:

1153 (a) the offices and candidates up for election; and

1154 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
1155 of ballot propositions submitted to the voters.

1156 (3) Except as provided under Subsection (6), the website shall include:

1157 (a) all information currently provided in the Utah voter information pamphlet under
1158 Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
1159 analyzed, and submitted by the Judicial Council describing the judicial selection and retention
1160 process;

1161 (b) all information submitted by election officers under Subsection (4) on local office
1162 races, local office candidates, and local ballot propositions;

1163 (c) a list that contains the name of a political subdivision that operates an election day
1164 voting center under Section **20A-3-703** and the location of the election day voting center;

1165 (d) other information determined appropriate by the lieutenant governor that is
1166 currently being provided by law, rule, or ordinance in relation to candidates and ballot
1167 questions; and

1168 (e) any differences in voting method, time, or location designated by the lieutenant
1169 governor under Subsection **20A-1-308(2)**.

1170 (4) (a) An election official shall submit the following information for each ballot label
1171 under the election official's direct responsibility under this title:

1172 (i) a list of all candidates for each office;

1173 (ii) if submitted by the candidate to the election official's office at 5 p.m. at least [45]
1174 28 days before [~~the primary election and 60 days before the general~~] an election:

1175 (A) a statement of qualifications, not exceeding 200 words in length, for each
1176 candidate;

1177 (B) the following current biographical information if desired by the candidate, current:

1178 (I) age;

1179 (II) occupation;

1180 (III) city of residence;

1181 (IV) years of residence in current city; and

1182 (V) email address; and

1183 (C) a single web address where voters may access more information about the
1184 candidate and the candidate's views; and

1185 (iii) factual information pertaining to all ballot propositions submitted to the voters,
1186 including:

1187 (A) a copy of the number and ballot title of each ballot proposition;

1188 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
1189 vote was required to place the ballot proposition on the ballot;

1190 (C) a complete copy of the text of each ballot proposition, with all new language
1191 underlined and all deleted language placed within brackets; and

1192 (D) other factual information determined helpful by the election official.

1193 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
1194 governor no later than one business day after the deadline under Subsection (4)(a) for each
1195 general election year and each municipal election year.

1196 (c) The lieutenant governor shall:

1197 (i) review the information submitted under this section, to determine compliance under
1198 this section, prior to placing it on the website;

1199 (ii) refuse to post information submitted under this section on the website if it is not in
1200 compliance with the provisions of this section; and

1201 (iii) organize, format, and arrange the information submitted under this section for the
1202 website.

1203 (d) The lieutenant governor may refuse to include information the lieutenant governor

1204 determines is not in keeping with:

1205 (i) Utah voter needs;

1206 (ii) public decency; or

1207 (iii) the purposes, organization, or uniformity of the website.

1208 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
1209 Subsection (5).

1210 (5) (a) A person whose information is refused under Subsection (4), and who is
1211 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
1212 lieutenant governor within 10 business days after the date of the determination. A notice of
1213 appeal submitted under this Subsection (5)(a) shall contain:

1214 (i) a listing of each objection to the lieutenant governor's determination; and

1215 (ii) the basis for each objection.

1216 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
1217 response within 10 business days after the notice of appeal is submitted.

1218 (c) An appeal of the response of the lieutenant governor shall be made to the district
1219 court, which shall review the matter de novo.

1220 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
1221 enter the voter's address information on the website to retrieve information on which offices,
1222 candidates, and ballot propositions will be on the voter's ballot at the next general election or
1223 municipal election.

1224 (b) The information on the website will anticipate and answer frequent voter questions
1225 including the following:

1226 (i) what offices are up in the current year for which the voter may cast a vote;

1227 (ii) who is running for what office and who is the incumbent, if any;

1228 (iii) what address each candidate may be reached at and how the candidate may be
1229 contacted;

1230 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

1231 (v) what qualifications have been submitted by each candidate;

1232 (vi) where additional information on each candidate may be obtained;

1233 (vii) what ballot propositions will be on the ballot; and

1234 (viii) what judges are up for retention election.

1235 (7) As resources are made available and in cooperation with the county clerks, the
1236 lieutenant governor may expand the electronic voter information website program to include
1237 the same information as provided under this section for special elections and primary elections.

1238 Section 13. Section **20A-8-103** is amended to read:

1239 **20A-8-103. Petition procedures -- Criminal penalty.**

1240 (1) As used in this section, the proposed name or emblem of a registered political party
1241 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
1242 difference between the proposed name or emblem and any name or emblem currently being
1243 used by another registered political party.

1244 (2) To become a registered political party, an organization of registered voters that is
1245 not a continuing political party shall:

1246 (a) circulate a petition seeking registered political party status beginning no earlier than
1247 the date of the statewide canvass held after the last regular general election and ending no later
1248 than [~~the February 15~~] November 30 of the year before the year in which the next regular
1249 general election will be held; and

1250 (b) file a petition with the lieutenant governor that is signed, with a holographic
1251 signature, by at least 2,000 registered voters on or before [~~February 15~~] November 30 of the
1252 year before the year in which a regular general election will be held.

1253 (3) The petition shall:

1254 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

1255 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
1256 blank for the purpose of binding;

1257 (c) contain the name of the political party and the words "Political Party Registration
1258 Petition" printed directly below the horizontal line;

1259 (d) contain the word "Warning" printed directly under the words described in
1260 Subsection (3)(c);

1261 (e) contain, to the right of the word "Warning," the following statement printed in not
1262 less than eight-point, single leaded type:

1263 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
1264 petition signature sheet with any name other than the person's own name or more than once for
1265 the same party or if the person is not registered to vote in this state and does not intend to

1266 become registered to vote in this state before the petition is submitted to the lieutenant
1267 governor.";

1268 (f) contain the following statement directly under the statement described in Subsection
1269 (3)(e):

1270 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
1271 Lieutenant Governor:

1272 We, the undersigned citizens of Utah, seek registered political party status for _____
1273 (name);

1274 Each signer says:

1275 I have personally signed this petition with a holographic signature;

1276 I am registered to vote in Utah or will register to vote in Utah before the petition is
1277 submitted to the lieutenant governor;

1278 I am or desire to become a member of the political party; and

1279 My street address is written correctly after my name."; and

1280 (g) be vertically divided into columns as follows:

1281 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
1282 headed with "For Office Use Only," and be subdivided with a light vertical line down the
1283 middle;

1284 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1285 Name (must be legible to be counted)";

1286 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
1287 Registered Voter";

1288 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

1289 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1290 Code"; and

1291 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
1292 information is not required, but it may be used to verify your identity with voter registration
1293 records. If you choose not to provide it, your signature may not be certified as a valid signature
1294 if you change your address before petition signatures are certified or if the information you
1295 provide does not match your voter registration records.";

1296 (h) have a final page bound to one or more signature sheets that are bound together that

1297 contains the following printed statement:

1298 "Verification

1299 State of Utah, County of _____

1300 I, _____, of _____, hereby state that:

1301 I am a Utah resident and am at least 18 years old;

1302 All the names that appear on the signature sheets bound to this page were signed by
1303 persons who professed to be the persons whose names appear on the signature sheets, and each
1304 of them signed the person's name on the signature sheets in my presence;

1305 I believe that each has printed and signed the person's name and written the person's
1306 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1307 in Utah before the petition is submitted to the lieutenant governor.

1308 _____

1309 (Signature) (Residence Address) (Date)"; and

1310 (i) be bound to a cover sheet that:

1311 (i) identifies the political party's name, which may not exceed four words, and the
1312 emblem of the party;

1313 (ii) states the process that the organization will follow to organize and adopt a
1314 constitution and bylaws; and

1315 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
1316 the organization.

1317 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in
1318 whose presence each signature sheet is signed:

1319 (a) is at least 18 years old;

1320 (b) meets the residency requirements of Section 20A-2-105; and

1321 (c) verifies each signature sheet by completing the verification bound to one or more
1322 signature sheets that are bound together.

1323 (5) A person may not sign the verification if the person signed a signature sheet bound
1324 to the verification.

1325 (6) The lieutenant governor shall:

1326 (a) determine whether the required number of voters appears on the petition;

1327 (b) review the proposed name and emblem to determine if they are "distinguishable"

1328 from the names and emblems of other registered political parties; and

1329 (c) certify the lieutenant governor's findings to the filing officer described in

1330 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

1331 (7) (a) If the lieutenant governor determines that the petition meets the requirements of

1332 this section, and that the proposed name and emblem are distinguishable, the lieutenant

1333 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the

1334 prospective political party.

1335 (b) If the lieutenant governor finds that the name, emblem, or both are not

1336 distinguishable from the names and emblems of other registered political parties, the lieutenant

1337 governor shall notify the filing officer that the filing officer has seven days to submit a new

1338 name or emblem to the lieutenant governor.

1339 (8) A registered political party may not change its name or emblem during the regular

1340 general election cycle.

1341 (9) (a) It is unlawful for any person to:

1342 (i) knowingly sign a political party registration petition:

1343 (A) with any name other than the person's own name;

1344 (B) more than once for the same political party; or

1345 (C) if the person is not registered to vote in this state and does not intend to become

1346 registered to vote in this state before the petition is submitted to the lieutenant governor; or

1347 (ii) sign the verification of a political party registration petition signature sheet if the

1348 person:

1349 (A) does not meet the residency requirements of Section [20A-2-105](#);

1350 (B) has not witnessed the signing by those persons whose names appear on the political

1351 party registration petition signature sheet; or

1352 (C) knows that a person whose signature appears on the political party registration

1353 petition signature sheet is not registered to vote in this state and does not intend to become

1354 registered to vote in this state.

1355 (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

1356 Section 14. Section [20A-9-202](#) is amended to read:

1357 **20A-9-202. Declarations of candidacy for regular general elections.**

1358 (1) (a) Each person seeking to become a candidate for an elective office that is to be

1359 filled at the next regular general election shall:

1360 (i) file a declaration of candidacy in person with the filing officer;

1361 (A) on or after the first business day following January 1 of the regular general election
1362 year~~[, and];~~;

1363 (B) on or before the fifth business day following January 1 of the regular general
1364 election year; and

1365 (C) if applicable, before the candidate circulates nomination petitions under Section
1366 20A-9-405; and

1367 (ii) pay the filing fee.

1368 (b) Each county clerk who receives a declaration of candidacy from a candidate for
1369 multicounty office shall transmit ~~[the filing fee and]~~ a copy of the candidate's declaration of
1370 candidacy to the lieutenant governor ~~[within one working]~~ at the end of each business day after
1371 ~~[it is filed]~~ the day on which the county clerk receives the declaration of candidacy.

1372 ~~[(c) Each day during the filing period, each county clerk shall notify the lieutenant~~
1373 ~~governor electronically or by telephone of candidates who have filed in their office.]~~

1374 ~~[(d)]~~ (c) Each person seeking the office of lieutenant governor, the office of district
1375 attorney, or the office of president or vice president of the United States shall comply with the
1376 specific declaration of candidacy requirements established by this section.

1377 (2) (a) Each person intending to become a candidate for the office of district attorney
1378 within a multicounty prosecution district that is to be filled at the next regular general election
1379 shall:

1380 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1381 creating the prosecution district;

1382 (A) on or after the first business day following January 1 of the regular general election
1383 year~~[, and];~~;

1384 (B) on or before the fifth business day following January 1 of the regular general
1385 election year; and

1386 (C) if applicable, before the candidate circulates nomination petitions under Section
1387 20A-9-405; and

1388 (ii) pay the filing fee.

1389 (b) The designated clerk shall provide to the county clerk of each county in the

1390 prosecution district a certified copy of each declaration of candidacy filed for the office of
1391 district attorney.

1392 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each
1393 lieutenant governor candidate shall:

1394 (i) file a declaration of candidacy with the lieutenant governor;

1395 (ii) pay the filing fee; and

1396 (iii) submit a letter from a candidate for governor who has received certification for the
1397 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1398 as a joint-ticket running mate.

1399 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
1400 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
1401 candidate.

1402 (4) Each registered political party shall:

1403 (a) certify the names of [its] the registered political party's candidates for president and
1404 vice president of the United States to the lieutenant governor no later than August 31; or

1405 (b) provide written authorization for the lieutenant governor to accept the certification
1406 of candidates for president and vice president of the United States from the national office of
1407 the registered political party.

1408 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1409 objection is filed with the clerk or lieutenant governor within five days after the last day for
1410 filing.

1411 (b) If an objection is made, the clerk or lieutenant governor shall:

1412 (i) mail or personally deliver notice of the objection to the affected candidate
1413 immediately; and

1414 (ii) decide any objection within 48 hours after it is filed.

1415 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1416 problem by amending the declaration or petition within three days after the objection is
1417 sustained or by filing a new declaration within three days after the objection is sustained.

1418 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1419 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1420 by a district court if prompt application is made to the court.

1421 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1422 of its discretion, agrees to review the lower court decision.

1423 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1424 filing a written affidavit with the clerk.

1425 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
1426 in this section to file a declaration of candidacy in person, a person may designate an agent to
1427 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1428 (a) the person is located outside the state during the filing period because:

1429 (i) of employment with the state or the United States; or

1430 (ii) the person is a member of:

1431 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1432 Coast Guard of the United States who is on active duty;

1433 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1434 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1435 States; or

1436 (C) the National Guard on activated status;

1437 (b) the person communicates with the filing officer using an electronic device that
1438 allows the person and filing officer to see and hear each other; and

1439 (c) the person provides the filing officer with an email address to which the filing
1440 officer may send the copies described in Subsection 20A-9-201(3).

1441 Section 15. Section 20A-9-403 is amended to read:

1442 **20A-9-403. Regular primary elections.**

1443 (1) (a) Candidates for elective office that are to be filled at the next regular general
1444 election shall be nominated in a regular primary election by direct vote of the people in the
1445 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
1446 designated as regular primary election day. Nothing in this section shall affect a candidate's
1447 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
1448 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
1449 Section 20A-9-601.

1450 (b) Each registered political party that chooses to have the names of its candidates for
1451 elective office featured with party affiliation on the ballot at a regular general election shall

1452 comply with the requirements of this section and shall nominate its candidates for elective
1453 office in the manner prescribed in this section.

1454 (c) A filing officer may not permit an official ballot at a regular general election to be
1455 produced or used if the ballot denotes affiliation between a registered political party or any
1456 other political group and a candidate for elective office who was not nominated in the manner
1457 prescribed in this section or in Subsection 20A-9-202(4).

1458 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1459 even-numbered year in which a regular general election will be held.

1460 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1461 shall:

1462 (i) either declare their intent to participate in the next regular primary election or
1463 declare that the registered political party chooses not to have the names of its candidates for
1464 elective office featured on the ballot at the next regular general election; and

1465 (ii) if the registered political party participates in the upcoming regular primary
1466 election, identify one or more registered political parties whose members may vote for the
1467 registered political party's candidates and whether or not persons identified as unaffiliated with
1468 a political party may vote for the registered political party's candidates.

1469 (b) (i) A registered political party that is a continuing political party must file the
1470 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1471 November [~~15~~] 30 of each odd-numbered year.

1472 (ii) An organization that is seeking to become a registered political party under Section
1473 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
1474 political party files the petition described in Section 20A-8-103.

1475 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
1476 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1477 office on the regular primary ballot of the registered political party listed on the declaration of
1478 candidacy only if the person is certified by the appropriate filing officer as having submitted a
1479 set of nomination petitions that was:

1480 (i) circulated and completed in accordance with Section 20A-9-405; and

1481 (ii) signed by at least two percent of the registered political party's members who reside
1482 in the political division of the office that the person seeks.

1483 (b) A candidate for elective office shall submit nomination petitions to the appropriate
1484 filing officer for verification and certification no later than 5 p.m. on the final day in March.
1485 Candidates may supplement their submissions at any time on or before the filing deadline.

1486 (c) The lieutenant governor shall determine for each elective office the total number of
1487 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
1488 of persons residing in each elective office's political division who have designated a particular
1489 registered political party on their voter registration forms as of November [†] 15 of each
1490 odd-numbered year. The lieutenant governor shall publish this determination for each elective
1491 office no later than November [†5] 30 of each odd-numbered year.

1492 (d) The filing officer shall:

1493 (i) verify signatures on nomination petitions in a transparent and orderly manner;

1494 (ii) for all qualifying candidates for elective office who submitted nomination petitions
1495 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
1496 the first Monday after the third Saturday in April;

1497 (iii) consider active and inactive voters eligible to sign nomination petitions;

1498 (iv) consider a person who signs a nomination petition a member of a registered
1499 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
1500 political party as the person's party membership on the person's voter registration form; and

1501 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
1502 petition signatures, or use statistical sampling procedures to verify submitted nomination
1503 petition signatures pursuant to rules made under Subsection (3)(f).

1504 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1505 lieutenant governor may appear on the regular primary ballot of a registered political party
1506 without submitting nomination petitions if the candidate files a declaration of candidacy and
1507 complies with Subsection [20A-9-202\(3\)](#).

1508 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1509 director of elections, within the Office of the Lieutenant Governor, [~~shall~~] may make rules that:

1510 (i) provide for the use of statistical sampling procedures that:

1511 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1512 (B) reflect a bona fide effort to determine the validity of a candidate's entire

1513 submission, using widely recognized statistical sampling techniques; and

1514 (ii) provide for the transparent, orderly, and timely submission, verification, and
1515 certification of nomination petition signatures.

1516 (g) The county clerk shall:

1517 (i) review the declarations of candidacy filed by candidates for local boards of
1518 education to determine if more than two candidates have filed for the same seat;

1519 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1520 local board of education seat on the nonpartisan section of the ballot if more than two
1521 candidates have filed for the same seat; and

1522 (iii) determine the order of the local board of education candidates' names on the ballot
1523 in accordance with Section [20A-6-305](#).

1524 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1525 governor shall provide to the county clerks:

1526 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
1527 county offices who have received certifications under Subsection (3), along with instructions
1528 on how those names shall appear on the primary-election ballot in accordance with Section
1529 [20A-6-305](#); and

1530 (ii) a list of unopposed candidates for elective office who have been nominated by a
1531 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
1532 candidates from the primary-election ballot.

1533 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1534 joint-ticket running mates shall appear jointly on the primary-election ballot.

1535 (c) After the county clerk receives the certified list from the lieutenant governor under
1536 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1537 substantially the following form:

1538 "Notice is given that a primary election will be held Tuesday, June ____,
1539 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1540 local school board positions listed on the primary ballot. The polling place for voting precinct
1541 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1542 Attest: county clerk."

1543 (5) (a) [~~Candidates~~] Except as otherwise provided in Section [20A-9-409.5](#), candidates,
1544 other than presidential candidates, receiving the highest number of votes cast for each office at

1545 the regular primary election are nominated by their registered political party for that office or
1546 are nominated as a candidate for a nonpartisan local school board position.

1547 (b) [~~H~~] Except as otherwise provided in Section 20A-9-409.5, if two or more
1548 candidates, other than presidential candidates, are to be elected to the office at the regular
1549 general election, those party candidates equal in number to positions to be filled who receive
1550 the highest number of votes at the regular primary election are the nominees of their party for
1551 those positions.

1552 (c) A candidate who is unopposed for an elective office in the regular primary election
1553 of a registered political party is nominated by the party for that office without appearing on the
1554 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
1555 certification under Subsection (3) for the regular primary election ballot of the candidate's
1556 registered political party for a particular elective office.

1557 (6) Except as otherwise provided in Section 20A-9-409.5:

1558 (a) [~~When~~] when a tie vote occurs in any primary election for any national, state, or
1559 other office that represents more than one county, the governor, lieutenant governor, and
1560 attorney general shall, at a public meeting called by the governor and in the presence of the
1561 candidates involved, select the nominee by lot cast in whatever manner the governor
1562 determines[-]; and

1563 (b) [~~When~~] when a tie vote occurs in any primary election for any county office, the
1564 district court judges of the district in which the county is located shall, at a public meeting
1565 called by the judges and in the presence of the candidates involved, select the nominee by lot
1566 cast in whatever manner the judges determine.

1567 (7) [~~The~~] Except as otherwise provided in Section 20A-9-409.5, the expense of
1568 providing all ballots, blanks, or other supplies to be used at any primary election provided for
1569 by this section, and all expenses necessarily incurred in the preparation for or the conduct of
1570 that primary election shall be paid out of the treasury of the county or state, in the same manner
1571 as for the regular general elections.

1572 (8) An individual may not file a declaration of candidacy for a registered political party
1573 of which the individual is not a member, except to the extent that the registered political party
1574 permits otherwise under the registered political party's bylaws.

1575 Section 16. Section **20A-9-406** is amended to read:

- 1576 **20A-9-406. Qualified political party -- Requirements and exemptions.**
- 1577 The following provisions apply to a qualified political party:
- 1578 (1) the qualified political party shall, no later than 5 p.m. on [~~March 1 of each~~
- 1579 ~~even-numbered~~] November 30 of each odd-numbered year, certify to the lieutenant governor
- 1580 the identity of one or more registered political parties whose members may vote for the
- 1581 qualified political party's candidates and whether unaffiliated voters may vote for the qualified
- 1582 political party's candidates;
- 1583 (2) the provisions of Subsections [20A-9-403\(1\)](#) through (4)(a), Subsection
- 1584 [20A-9-403\(5\)\(c\)](#), and Section [20A-9-405](#) do not apply to a nomination for the qualified
- 1585 political party;
- 1586 (3) an individual may only seek the nomination of the qualified political party by using
- 1587 a method described in Section [20A-9-407](#), Section [20A-9-408](#), or both;
- 1588 (4) the qualified political party shall comply with the provisions of Sections
- 1589 [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);
- 1590 (5) notwithstanding Subsection [20A-6-301\(1\)\(a\)](#), (1)(g), or (2)(a), each election officer
- 1591 shall ensure that a ballot described in Section [20A-6-301](#) includes each [~~person~~] individual
- 1592 nominated by a qualified political party:
- 1593 (a) under the qualified political party's name, if any; or
- 1594 (b) under the title of the qualified registered political party as designated by the
- 1595 qualified political party in the certification described in Subsection (1), or, if none is
- 1596 designated, then under some suitable title;
- 1597 (6) notwithstanding Subsection [20A-6-302\(1\)\(a\)](#), each election officer shall ensure, for
- 1598 paper ballots in regular general elections, that each candidate who is nominated by the qualified
- 1599 political party is listed by party;
- 1600 (7) notwithstanding Subsection [20A-6-303\(1\)\(d\)](#), each election officer shall ensure that
- 1601 the party designation of each candidate who is nominated by the qualified political party is
- 1602 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;
- 1603 (8) notwithstanding Subsection [20A-6-304\(1\)\(e\)](#), each election officer shall ensure that
- 1604 the party designation of each candidate who is nominated by the qualified political party is
- 1605 displayed adjacent to the candidate's name on an electronic ballot;
- 1606 (9) "candidates for elective office," defined in Subsection [20A-9-101\(1\)\(a\)](#), also

1607 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1608 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1609 multicounty office, or county office;

1610 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1611 political party is not required to comply with Subsection 20A-9-201(1)(c);

1612 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1613 to have each of the qualified political party's candidates for elective office appear on the
1614 primary ballot of the qualified political party with an indication that each candidate is a
1615 candidate for the qualified political party;

1616 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1617 on the list provided by the lieutenant governor to the county clerks:

1618 (a) the names of all candidates of the qualified political party for federal, constitutional,
1619 multicounty, and county offices; and

1620 (b) the names of unopposed candidates for elective office who have been nominated by
1621 the qualified political party and instruct the county clerks to exclude such candidates from the
1622 primary-election ballot;

1623 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1624 elective office in the regular primary election of the qualified political party is nominated by
1625 the party for that office without appearing on the primary ballot; and

1626 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1627 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1628 elective office featured with party affiliation on the ballot at a regular general election.

1629 Section 17. Section 20A-9-407 is amended to read:

1630 **20A-9-407. Convention process to seek the nomination of a qualified political**
1631 **party.**

1632 (1) This section describes the requirements for a member of a qualified political party
1633 who is seeking the nomination of a qualified political party for an elective office through the
1634 qualified political party's convention process.

1635 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
1636 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1637 the nomination of, the qualified political party under this section shall be substantially as

1638 described in Section [20A-9-408.5](#).

1639 ~~[(3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in~~
1640 ~~Subsection [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is~~
1641 ~~seeking the nomination of the qualified political party for an elective office that is to be filled at~~
1642 ~~the next general election, shall:]~~

1643 ~~[(a) file a declaration of candidacy in person with the filing officer on or after the~~
1644 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~
1645 ~~regular general election; and]~~

1646 ~~[(b) pay the filing fee.]~~

1647 ~~[(4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political~~
1648 ~~party who, under this section, is seeking the nomination of the qualified political party for the~~
1649 ~~office of district attorney within a multicounty prosecution district that is to be filled at the next~~
1650 ~~general election shall:]~~

1651 ~~[(a) file a declaration of candidacy with the county clerk designated in the interlocal~~
1652 ~~agreement creating the prosecution district on or after the second Friday in March and before 5~~
1653 ~~p.m. on the third Thursday in March before the next regular general election; and]~~

1654 ~~[(b) pay the filing fee.]~~

1655 ~~[(5)]~~ (3) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor
1656 candidate who files as the joint-ticket running mate of an individual who is nominated by a
1657 qualified political party, under this section, for the office of governor shall submit a letter from
1658 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
1659 running mate.

1660 ~~[(6)]~~ (4) (a) A qualified political party that nominates a candidate under this section
1661 shall certify the name of the candidate to the lieutenant governor before 5 p.m. on the first
1662 Monday after the fourth Saturday in April.

1663 (b) The lieutenant governor shall ensure that the certification described in Subsection
1664 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
1665 under this section.

1666 ~~[(7)]~~ (5) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate
1667 who is nominated by a qualified political party under this section, designate the qualified
1668 political party that nominated the candidate.

1669 Section 18. Section 20A-9-408 is amended to read:

1670 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
 1671 **political party.**

1672 (1) This section describes the requirements for a member of a qualified political party
 1673 who is seeking the nomination of the qualified political party for an elective office through the
 1674 signature-gathering process described in this section.

1675 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
 1676 candidacy for a member of a qualified political party who is nominated by, or who is seeking
 1677 the nomination of, the qualified political party under this section shall be substantially as
 1678 described in Section 20A-9-408.5.

1679 (3) [~~Notwithstanding Subsection 20A-9-202(1)(a), and except~~] Except as provided in
 1680 Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is
 1681 seeking the nomination of the qualified political party for an elective office that is to be filled at
 1682 the next regular general election shall ~~[(a) within the period beginning on January 1 before the~~
 1683 ~~next regular general election and ending on the third Thursday in March of the same year],~~ on
 1684 or after the first business day and on or before the fifth business day in January of the regular
 1685 general election year, and before gathering signatures under this section, file with the filing
 1686 officer on a form approved by the lieutenant governor a notice of intent to gather signatures for
 1687 candidacy that includes:

1688 [(i)] (a) the name of the member who will attempt to become a candidate for a
 1689 registered political party under this section;

1690 [(ii)] (b) the name of the registered political party for which the member is seeking
 1691 nomination;

1692 [(iii)] (c) the office for which the member is seeking to become a candidate;

1693 [(iv)] (d) the address and telephone number of the member; and

1694 [(v)] (e) other information required by the lieutenant governor[;].

1695 [~~(b) file a declaration of candidacy, in person, with the filing officer on or after the~~
 1696 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~
 1697 ~~regular general election; and]~~

1698 [~~(c) pay the filing fee.]~~

1699 (4) [~~Notwithstanding Subsection 20A-9-202(2)(a), a~~] A member of a qualified political

1700 party who, under this section, is seeking the nomination of the qualified political party for the
1701 office of district attorney within a multicounty prosecution district that is to be filled at the next
1702 regular general election shall~~[(a) on or after January 1 before the next regular general~~
1703 ~~election], on or after the first business day and on or before the fifth business day in January of~~
1704 the regular general election year, and before gathering signatures under this section, file with
1705 the filing officer on a form approved by the lieutenant governor a notice of intent to gather
1706 signatures for candidacy that includes:

1707 [(i)] (a) the name of the member who will attempt to become a candidate for a
1708 registered political party under this section;

1709 [(ii)] (b) the name of the registered political party for which the member is seeking
1710 nomination;

1711 [(iii)] (c) the office for which the member is seeking to become a candidate;

1712 [(iv)] (d) the address and telephone number of the member; and

1713 [(v)] (e) other information required by the lieutenant governor~~;~~.

1714 ~~[(b) file a declaration of candidacy, in person, with the filing officer on or after the~~
1715 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~
1716 ~~regular general election; and]~~

1717 ~~[(c) pay the filing fee.]~~

1718 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
1719 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1720 political party, under this section, for the office of governor shall submit a letter from the
1721 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1722 mate.

1723 (6) The lieutenant governor shall ensure that the certification described in Subsection
1724 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
1725 under this section.

1726 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
1727 is nominated by a qualified political party under this section, designate the qualified political
1728 party that nominated the candidate.

1729 (8) A member of a qualified political party may seek the nomination of the qualified
1730 political party for an elective office by:

- 1731 (a) complying with the requirements described in this section; and
- 1732 (b) collecting signatures, on a form approved by the lieutenant governor, during the
- 1733 period beginning on the first business day in January [†] of an even-numbered year and ending
- 1734 14 days before the day on which the qualified political party's convention for the office is held,
- 1735 in the following amounts:
- 1736 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 1737 permitted by the qualified political party to vote for the qualified political party's candidates in
- 1738 a primary election;
- 1739 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 1740 residents of the congressional district and are permitted by the qualified political party to vote
- 1741 for the qualified political party's candidates in a primary election;
- 1742 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
- 1743 residents of the state Senate district and are permitted by the qualified political party to vote for
- 1744 the qualified political party's candidates in a primary election;
- 1745 (iv) for a state House district race, 1,000 signatures of registered voters who are
- 1746 residents of the state House district and are permitted by the qualified political party to vote for
- 1747 the qualified political party's candidates in a primary election;
- 1748 (v) for a State Board of Education race, the lesser of:
- 1749 (A) 2,000 signatures of registered voters who are residents of the State Board of
- 1750 Education district and are permitted by the qualified political party to vote for the qualified
- 1751 political party's candidates in a primary election; or
- 1752 (B) 3% of the registered voters of the qualified political party who are residents of the
- 1753 applicable State Board of Education district; and
- 1754 (vi) for a county office race, signatures of 3% of the registered voters who are residents
- 1755 of the area permitted to vote for the county office and are permitted by the qualified political
- 1756 party to vote for the qualified political party's candidates in a primary election.
- 1757 (9) (a) In order for a member of the qualified political party to qualify as a candidate
- 1758 for the qualified political party's nomination for an elective office under this section, the
- 1759 member shall:
- 1760 (i) collect the signatures on a form approved by the lieutenant governor, using the same
- 1761 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1762 (ii) submit the signatures to the election officer no later than 14 days before the day on
1763 which the qualified political party holds its convention to select candidates, for the elective
1764 office, for the qualified political party's nomination.

1765 (b) An individual may not gather signatures under this section until after the individual
1766 files a notice of intent to gather signatures for candidacy described in this section.

1767 (c) An individual who files a notice of intent to gather signatures for candidacy,
1768 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1769 the notice of intent to gather signatures for candidacy:

1770 (i) required to comply with the reporting requirements that a candidate for office is
1771 required to comply with; and

1772 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1773 apply to a candidate for office in relation to the reporting requirements described in Subsection
1774 (9)(c)(i).

1775 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1776 election officer shall, no later than one day before the day on which the qualified political party
1777 holds the convention to select a nominee for the elective office to which the signature packets
1778 relate:

1779 (i) check the name of each individual who completes the verification for a signature
1780 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1781 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1782 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1783 (iii) determine whether each signer is a registered voter who is qualified to sign the
1784 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1785 on a petition;

1786 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1787 signature packet; and

1788 (v) notify the qualified political party and the lieutenant governor of the name of each
1789 member of the qualified political party who qualifies as a nominee of the qualified political
1790 party, under this section, for the elective office to which the convention relates.

1791 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1792 this section, the lieutenant governor shall post the notice of intent to gather signatures for

1793 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1794 posts a declaration of candidacy.

1795 Section 19. Section **20A-9-409.5** is enacted to read:

1796 **20A-9-409.5. Regular primary runoff elections.**

1797 (1) An election officer shall conduct a runoff election for any race where:

1798 (a) only one candidate may win;

1799 (b) more than three candidates appeared on the regular primary election ballot for the
1800 same qualified political party and the same office; and

1801 (c) none of the candidates described in Subsection (1)(a) received more than 35% of
1802 the votes cast for that party for that office in the regular primary election.

1803 (2) (a) The runoff election described in Subsection (1) is between the two candidates in
1804 the same qualified political party who received the highest number of votes in the race.

1805 (b) If a tie makes it impossible to identify two candidates who received the highest
1806 number of votes for purposes of holding a runoff election, the election officer shall resolve the
1807 tie, and eliminate the excess number of candidates, by lot cast in the presence of the candidates
1808 who tied or in the presence of the candidates appointed representatives.

1809 (3) For a runoff election described in this section:

1810 (a) the election officer shall:

1811 (i) give notice of the runoff election in accordance with rules made in accordance with
1812 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the director of elections within
1813 the Office of the Lieutenant Governor;

1814 (ii) hold the runoff election on the second Tuesday in August; and

1815 (iii) conduct the election entirely by absentee ballot, in accordance with Section
1816 [20A-3-302](#);

1817 (b) the county canvass is seven days after the day of the runoff election; and

1818 (c) the lieutenant governor's canvass of statewide and multicounty elections is nine
1819 days after the day of the runoff election.

1820 (4) Within funds appropriated by the Legislature for this purpose, the lieutenant
1821 governor shall reimburse each county for the expense, as determined by the lieutenant
1822 governor, of conducting a runoff election under this section.

1823 (5) (a) The director of elections within the Office of the Lieutenant Governor shall

1824 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1825 ensure that, with respect to covered voters, runoff elections are conducted in accordance with
1826 the requirements of Title 20A, Chapter 16, Uniform Military and Overseas Voters Act.

1827 (b) The rules described in Subsection (5)(a) shall permit a covered voter to vote in a
1828 runoff election in a manner, specified by rule, that preserves the voting rights of the voter, and
1829 may include ranked choice voting or voting by electronic means.

1830 Section 20. Section **20A-9-701** is amended to read:

1831 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1832 (1) No later than August 31 of each regular general election year, the lieutenant
1833 governor shall certify to each county clerk, for offices to be voted upon at the regular general
1834 election in that county clerk's county:

1835 (a) the names of each candidate nominated under Subsection **20A-9-202**(4) or
1836 Subsection **20A-9-403**(5); ~~and~~

1837 (b) the names of the candidates for president and vice president that are certified by the
1838 registered political party as the party's nominees~~[-]; and~~

1839 (c) the name of each unaffiliated candidate who will appear on the general election
1840 ballot.

1841 (2) The ~~[names shall be certified by the]~~ lieutenant governor ~~[and shall be displayed]~~
1842 shall certify and display each name on the ballot as ~~[they are]~~ the name is provided on the
1843 candidate's declaration of candidacy. No other names may appear on the ballot as affiliated
1844 with, endorsed by, or nominated by any other registered political party, political party, or other
1845 political group.

1846 Section 21. Section **20A-11-204** is amended to read:

1847 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
1848 **requirements -- Interim reports.**

1849 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
1850 account required under Subsection **20A-11-201**(1)(a).

1851 (b) Except as provided in Subsection (1)(c), each state office candidate shall file an
1852 interim report at the following times in any year in which the candidate has filed a declaration
1853 of candidacy for a public office:

1854 (i) (A) seven days before the candidate's political convention; or

- 1855 (B) for an unaffiliated candidate, the fourth Saturday in March;
- 1856 (ii) seven days before the regular primary election date;
- 1857 (iii) if the candidate is in a runoff election, seven days before the day on which the
- 1858 runoff election is held;
- 1859 [~~(iii)~~] (iv) September 30; and
- 1860 [~~(iv)~~] (v) seven days before the regular general election date.
- 1861 (c) If a state office candidate is a state office candidate seeking appointment for a
- 1862 midterm vacancy, the state office candidate:
- 1863 (i) shall file an interim report:
- 1864 (A) no later than seven days before the day on which the political party of the party for
- 1865 which the state office candidate seeks nomination meets to declare a nominee for the governor
- 1866 to appoint in accordance with Section 20A-1-504; or
- 1867 (B) if a state office candidate decides to seek the appointment with less than seven days
- 1868 before the party meets, or the political party schedules the meeting to declare a nominee less
- 1869 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business
- 1870 before the day on which the party meets; and
- 1871 (ii) is not required to file an interim report at the times described in Subsection (1)(b).
- 1872 (d) Each state officeholder who has a campaign account that has not been dissolved
- 1873 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,
- 1874 regardless of whether an election for the state officeholder's office is held that year:
- 1875 (i) (A) seven days before the political convention for the political party of the state
- 1876 officeholder; or
- 1877 (B) for an unaffiliated state officeholder, the fourth Saturday in March;
- 1878 (ii) seven days before the regular primary election date;
- 1879 (iii) September 30; and
- 1880 (iv) seven days before the regular general election date.
- 1881 (2) Each interim report shall include the following information:
- 1882 (a) the net balance of the last summary report, if any;
- 1883 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1884 reports, if any, during the calendar year in which the interim report is due;
- 1885 (c) a single figure equal to the total amount of expenditures reported on all prior

1886 interim reports, if any, filed during the calendar year in which the interim report is due;

1887 (d) a detailed listing of each contribution and public service assistance received since
1888 the last summary report that has not been reported in detail on a prior interim report;

1889 (e) for each nonmonetary contribution:

1890 (i) the fair market value of the contribution with that information provided by the
1891 contributor; and

1892 (ii) a specific description of the contribution;

1893 (f) a detailed listing of each expenditure made since the last summary report that has
1894 not been reported in detail on a prior interim report;

1895 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1896 (h) a net balance for the year consisting of the net balance from the last summary
1897 report, if any, plus all receipts since the last summary report minus all expenditures since the
1898 last summary report;

1899 (i) a summary page in the form required by the lieutenant governor that identifies:

1900 (i) beginning balance;

1901 (ii) total contributions during the period since the last statement;

1902 (iii) total contributions to date;

1903 (iv) total expenditures during the period since the last statement; and

1904 (v) total expenditures to date; and

1905 (j) the name of a political action committee for which the state office candidate or state
1906 officeholder is designated as an officer who has primary decision-making authority under
1907 Section [20A-11-601](#).

1908 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported
1909 as of five days before the required filing date of the report.

1910 (b) Any negotiable instrument or check received by a state office candidate or state
1911 officeholder more than five days before the required filing date of a report required by this
1912 section shall be included in the interim report.

1913 Section 22. Section **20A-11-206** is amended to read:

1914 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1915 (1) A state office candidate who fails to file a financial statement before the deadline is
1916 subject to a fine imposed in accordance with Section [20A-11-1005](#).

1917 (2) If a state office candidate fails to file an interim report described in Subsections
1918 20A-11-204(1)(b)(ii) through [~~(iv)~~] (v), the lieutenant governor may send an electronic notice
1919 to the state office candidate and the political party of which the state office candidate is a
1920 member, if any, that states:

1921 (a) that the state office candidate failed to timely file the report; and

1922 (b) that, if the state office candidate fails to file the report within 24 hours after the
1923 deadline for filing the report, the state office candidate will be disqualified and the political
1924 party will not be permitted to replace the candidate.

1925 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
1926 county clerk and other appropriate election officials that the state office candidate is
1927 disqualified if the state office candidate fails to file an interim report described in Subsections
1928 20A-11-204(1)(b)(ii) through [~~(iv)~~] (v) within 24 hours after the deadline for filing the report.

1929 (b) The political party of a state office candidate who is disqualified under Subsection
1930 (3)(a) may not replace the state office candidate.

1931 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election
1932 official shall:

1933 (i) remove the state office candidate's name from the ballot; or

1934 (ii) if removing the state office candidate's name from the ballot is not practicable,
1935 inform the voters by any practicable method that the state office candidate has been
1936 disqualified and that votes cast for the state office candidate will not be counted.

1937 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
1938 relation to an absentee voter, including a military or overseas absentee voter, by including with
1939 the absentee ballot a written notice directing the voter to a public website that will inform the
1940 voter whether a candidate on the ballot is disqualified.

1941 (5) A state office candidate is not disqualified if:

1942 (a) the state office candidate timely files the reports described in Subsections
1943 20A-11-204(1)(b)(ii) through [~~(iv)~~] (v) no later than 24 hours after the applicable deadlines for
1944 filing the reports;

1945 (b) the reports are completed, detailing accurately and completely the information
1946 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1947 and

1948 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
1949 an amended report or the next scheduled report.

1950 (6) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1951 governor shall review each filed summary report to ensure that:

1952 (i) each state office candidate that is required to file a summary report has filed one;
1953 and

1954 (ii) each summary report contains the information required by this part.

1955 (b) If it appears that any state office candidate has failed to file the summary report
1956 required by law, if it appears that a filed summary report does not conform to the law, or if the
1957 lieutenant governor has received a written complaint alleging a violation of the law or the
1958 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1959 violation or receipt of a written complaint, notify the state office candidate of the violation or
1960 written complaint and direct the state office candidate to file a summary report correcting the
1961 problem.

1962 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
1963 report within seven days after receiving notice from the lieutenant governor described in this
1964 Subsection (6).

1965 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
1966 misdemeanor.

1967 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
1968 attorney general.

1969 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
1970 governor shall impose a civil fine of \$100 against a state office candidate who violates
1971 Subsection (6)(c)(i).

1972 Section 23. Section **20A-11-303** is amended to read:

1973 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
1974 **reporting requirements -- Interim reports.**

1975 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
1976 account required under Subsection **20A-11-301(1)(a)(i)**.

1977 (b) Except as provided in Subsection (1)(d), each legislative office candidate shall file
1978 an interim report at the following times in any year in which the candidate has filed a

- 1979 declaration of candidacy for a public office:
- 1980 (i) (A) seven days before the candidate's political convention; or
- 1981 (B) for an unaffiliated candidate, the fourth Saturday in March;
- 1982 (ii) seven days before the regular primary election date;
- 1983 (iii) if the candidate is in a runoff election, seven days before the day on which the
- 1984 runoff election is held;
- 1985 [~~(iii)~~] (iv) September 30; and
- 1986 [~~(iv)~~] (v) seven days before the regular general election date.
- 1987 (c) Each legislative officeholder who has a campaign account that has not been
- 1988 dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the
- 1989 following times, regardless of whether an election for the legislative officeholder's office is
- 1990 held that year:
- 1991 (i) (A) seven days before the political convention for the political party of the
- 1992 legislative officeholder; or
- 1993 (B) for an unaffiliated legislative officeholder, the fourth Saturday in March;
- 1994 (ii) seven days before the regular primary election date for that year;
- 1995 (iii) September 30; and
- 1996 (iv) seven days before the regular general election date.
- 1997 (d) If a legislative office candidate is a legislative office candidate seeking appointment
- 1998 for a midterm vacancy, the legislative office candidate:
- 1999 (i) shall file an interim report:
- 2000 (A) no later than seven days before the day on which the political party of the party for
- 2001 which the legislative office candidate seeks nomination meets to declare a nominee for the
- 2002 governor to appoint in accordance with Section 20A-1-503; or
- 2003 (B) if a legislative office candidate decides to seek the appointment with less than
- 2004 seven days before the party meets, or the political party schedules the meeting to declare a
- 2005 nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day
- 2006 of business before the day on which the party meets; and
- 2007 (ii) is not required to file an interim report at the times described in Subsection (1)(b).
- 2008 (2) Each interim report shall include the following information:
- 2009 (a) the net balance of the last summary report, if any;

- 2010 (b) a single figure equal to the total amount of receipts reported on all prior interim
2011 reports, if any, during the calendar year in which the interim report is due;
- 2012 (c) a single figure equal to the total amount of expenditures reported on all prior
2013 interim reports, if any, filed during the calendar year in which the interim report is due;
- 2014 (d) a detailed listing of each contribution and public service assistance received since
2015 the last summary report that has not been reported in detail on a prior interim report;
- 2016 (e) for each nonmonetary contribution:
- 2017 (i) the fair market value of the contribution with that information provided by the
2018 contributor; and
- 2019 (ii) a specific description of the contribution;
- 2020 (f) a detailed listing of each expenditure made since the last summary report that has
2021 not been reported in detail on a prior interim report;
- 2022 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2023 (h) a net balance for the year consisting of the net balance from the last summary
2024 report, if any, plus all receipts since the last summary report minus all expenditures since the
2025 last summary report;
- 2026 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2027 (i) beginning balance;
- 2028 (ii) total contributions during the period since the last statement;
- 2029 (iii) total contributions to date;
- 2030 (iv) total expenditures during the period since the last statement; and
- 2031 (v) total expenditures to date; and
- 2032 (j) the name of a political action committee for which the legislative office candidate or
2033 legislative officeholder is designated as an officer who has primary decision-making authority
2034 under Section [20A-11-601](#).
- 2035 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported
2036 as of five days before the required filing date of the report.
- 2037 (b) Any negotiable instrument or check received by a legislative office candidate or
2038 legislative officeholder more than five days before the required filing date of a report required
2039 by this section shall be included in the interim report.
- 2040 Section 24. Section **20A-11-305** is amended to read:

2041 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

2042 (1) A legislative office candidate who fails to file a financial statement before the
2043 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

2044 (2) If a legislative office candidate fails to file an interim report described in
2045 Subsections [20A-11-303](#)(1)(b)(ii) through [~~(iv)~~] [\(v\)](#), the lieutenant governor may send an
2046 electronic notice to the legislative office candidate and the political party of which the
2047 legislative office candidate is a member, if any, that states:

2048 (a) that the legislative office candidate failed to timely file the report; and

2049 (b) that, if the legislative office candidate fails to file the report within 24 hours after
2050 the deadline for filing the report, the legislative office candidate will be disqualified and the
2051 political party will not be permitted to replace the candidate.

2052 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
2053 inform the county clerk and other appropriate election officials that the legislative office
2054 candidate is disqualified if the legislative office candidate fails to file an interim report
2055 described in Subsections [20A-11-303](#)(1)(b)(ii) through [~~(iv)~~] [\(v\)](#) within 24 hours after the
2056 deadline for filing the report.

2057 (b) The political party of a legislative office candidate who is disqualified under
2058 Subsection (3)(a) may not replace the legislative office candidate.

2059 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the
2060 election officer shall:

2061 (i) remove the legislative office candidate's name from the ballot; or

2062 (ii) if removing the legislative office candidate's name from the ballot is not
2063 practicable, inform the voters by any practicable method that the legislative office candidate
2064 has been disqualified and that votes cast for the legislative office candidate will not be counted.

2065 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
2066 relation to an absentee voter, including a military or overseas absentee voter, by including with
2067 the absentee ballot a written notice directing the voter to a public website that will inform the
2068 voter whether a candidate on the ballot is disqualified.

2069 (5) A legislative office candidate is not disqualified if:

2070 (a) the legislative office candidate files the reports described in Subsections
2071 [20A-11-303](#)(1)(b)(ii) through [~~(iv)~~] [\(v\)](#) no later than 24 hours after the applicable deadlines for

2072 filing the reports;

2073 (b) the reports are completed, detailing accurately and completely the information
2074 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2075 and

2076 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
2077 an amended report or the next scheduled report.

2078 (6) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
2079 governor shall review each filed summary report to ensure that:

2080 (i) each legislative office candidate that is required to file a summary report has filed
2081 one; and

2082 (ii) each summary report contains the information required by this part.

2083 (b) If it appears that any legislative office candidate has failed to file the summary
2084 report required by law, if it appears that a filed summary report does not conform to the law, or
2085 if the lieutenant governor has received a written complaint alleging a violation of the law or the
2086 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2087 violation or receipt of a written complaint, notify the legislative office candidate of the
2088 violation or written complaint and direct the legislative office candidate to file a summary
2089 report correcting the problem.

2090 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary
2091 report within seven days after receiving notice from the lieutenant governor described in this
2092 Subsection (6).

2093 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a
2094 class B misdemeanor.

2095 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
2096 attorney general.

2097 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
2098 governor shall impose a civil fine of \$100 against a legislative office candidate who violates
2099 Subsection (6)(c)(i).

2100 Section 25. Section **20A-11-1303** is amended to read:

2101 **20A-11-1303. School board office candidate and school board officeholder --**
2102 **Financial reporting requirements -- Interim reports.**

- 2103 (1) (a) As used in this section, "received" means:
- 2104 (i) for a cash contribution, that the cash is given to a school board office candidate or a
- 2105 member of the school board office candidate's personal campaign committee;
- 2106 (ii) for a contribution that is a check or other negotiable instrument, that the check or
- 2107 other negotiable instrument is negotiated; or
- 2108 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 2109 inures to the school board office candidate.
- 2110 (b) As used in this Subsection (1), "campaign account" means a separate campaign
- 2111 account required under Subsection [20A-11-1301](#)(1)(a)(i).
- 2112 (c) Each school board office candidate shall file an interim report at the following
- 2113 times in any year in which the candidate has filed a declaration of candidacy for a public office:
- 2114 (i) (A) seven days before the political convention for the political party of the school
- 2115 board office candidate; or
- 2116 (B) May 15, if the school board office candidate does not affiliate with a political
- 2117 party;
- 2118 (ii) seven days before the regular primary election date;
- 2119 (iii) if the school board office candidate is in a runoff election, seven days before the
- 2120 day on which the runoff election is held;
- 2121 [~~(iii)~~] (iv) September 30; and
- 2122 [~~(iv)~~] (v) seven days before the regular general election date.
- 2123 (d) Each school board officeholder who has a campaign account that has not been
- 2124 dissolved under Section [20A-11-1304](#) shall, in an even year, file an interim report at the
- 2125 following times, regardless of whether an election for the school board officeholder's office is
- 2126 held that year:
- 2127 (i) (A) seven days before the political convention for the political party of the school
- 2128 board officeholder; or
- 2129 (B) May 15, if the school board officeholder does not affiliate with a political party;
- 2130 (ii) seven days before the regular primary election date for that year;
- 2131 (iii) September 30; and
- 2132 (iv) seven days before the regular general election date.
- 2133 (2) Each interim report shall include the following information:

- 2134 (a) the net balance of the last summary report, if any;
- 2135 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 2136 reports, if any, during the calendar year in which the interim report is due;
- 2137 (c) a single figure equal to the total amount of expenditures reported on all prior
- 2138 interim reports, if any, filed during the calendar year in which the interim report is due;
- 2139 (d) a detailed listing of each contribution and public service assistance received since
- 2140 the last summary report that has not been reported in detail on a prior interim report;
- 2141 (e) for each nonmonetary contribution:
- 2142 (i) the fair market value of the contribution with that information provided by the
- 2143 contributor; and
- 2144 (ii) a specific description of the contribution;
- 2145 (f) a detailed listing of each expenditure made since the last summary report that has
- 2146 not been reported in detail on a prior interim report;
- 2147 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2148 (h) a net balance for the year consisting of the net balance from the last summary
- 2149 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 2150 last summary report;
- 2151 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2152 (i) beginning balance;
- 2153 (ii) total contributions during the period since the last statement;
- 2154 (iii) total contributions to date;
- 2155 (iv) total expenditures during the period since the last statement; and
- 2156 (v) total expenditures to date; and
- 2157 (j) the name of a political action committee for which the school board office candidate
- 2158 or school board officeholder is designated as an officer who has primary decision-making
- 2159 authority under Section [20A-11-601](#).
- 2160 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported
- 2161 as of five days before the required filing date of the report.
- 2162 (b) Any negotiable instrument or check received by a school board office candidate or
- 2163 school board officeholder more than five days before the required filing date of a report
- 2164 required by this section shall be included in the interim report.

2165 Section 26. Section **20A-11-1305** is amended to read:

2166 **20A-11-1305. School board office candidate -- Failure to file statement --**

2167 **Penalties.**

2168 (1) (a) A school board office candidate who fails to file a financial statement by the
2169 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

2170 (b) If a school board office candidate fails to file an interim report described in
2171 Subsections **20A-11-1303**(1)(c)(ii) through [~~(iv)] (v), the chief election officer shall, after
2172 making a reasonable attempt to discover if the report was timely filed, inform the county clerk
2173 and other appropriate election officials who:~~

2174 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
2175 the ballots are delivered to voters; or

2176 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
2177 the voters by any practicable method that the candidate has been disqualified and that votes
2178 cast for the candidate will not be counted; and

2179 (ii) may not count any votes for that candidate.

2180 (c) Any school board office candidate who fails to file timely a financial statement
2181 required by Subsection **20A-11-1303**(1)(c)(ii)[~~, (iii), or (iv)] through (v) is disqualified.~~

2182 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is
2183 not disqualified and the chief election officer may not impose a fine if:

2184 (i) the candidate timely files the reports required by this section in accordance with
2185 Section **20A-11-103**;

2186 (ii) those reports are completed, detailing accurately and completely the information
2187 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2188 and

2189 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
2190 corrected in:

2191 (A) an amended report; or

2192 (B) the next scheduled report.

2193 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
2194 board office candidate, the lieutenant governor shall review each filed summary report to
2195 ensure that:

2196 (i) each school board office candidate who is required to file a summary report has
2197 filed one; and

2198 (ii) each summary report contains the information required by this part.

2199 (b) If it appears that a school board office candidate has failed to file the summary
2200 report required by law, if it appears that a filed summary report does not conform to the law, or
2201 if the lieutenant governor has received a written complaint alleging a violation of the law or the
2202 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2203 violation or receipt of a written complaint, notify the school board office candidate of the
2204 violation or written complaint and direct the school board office candidate to file a summary
2205 report correcting the problem.

2206 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
2207 summary report within seven days after receiving notice from the lieutenant governor under
2208 this section.

2209 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a
2210 class B misdemeanor.

2211 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
2212 attorney general.

2213 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
2214 governor shall impose a civil fine of \$100 against a school board office candidate who violates
2215 Subsection (2)(c)(i).

2216 Section 27. Section **20A-12-201** is amended to read:

2217 **20A-12-201. Judicial appointees -- Retention elections.**

2218 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election
2219 at the first general election held more than three years after the judge or justice was appointed.

2220 (b) After the first retention election:

2221 (i) each Supreme Court justice shall be on the regular general election ballot for an
2222 unopposed retention election every tenth year; and

2223 (ii) each judge of other courts shall be on the regular general election ballot for an
2224 unopposed retention election every sixth year.

2225 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in
2226 the year the justice or judge is subject to a retention election:

2227 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk
2228 in the candidate's county of residence, within the period beginning on April 1 and ending at 5
2229 p.m. on April 15 in the year of a regular general election; and

2230 (ii) pay a filing fee of \$50.

2231 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice
2232 court judge is subject to a retention election:

2233 (A) file a declaration of candidacy with the lieutenant governor, or with the county
2234 clerk in the candidate's county of residence, within the period beginning on April 1 and ending
2235 at 5 p.m. on April 15 in the year of a regular general election; and

2236 (B) pay a filing fee of \$25 for each judicial office.

2237 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
2238 declaration of candidacy shall identify all of the courts included in the same general election.

2239 (iii) If a justice court judge is appointed or elected to more than one judicial office,
2240 filing a declaration of candidacy in one county in which one of those courts is located is valid
2241 for the courts in any other county.

2242 (3) (a) The lieutenant governor shall, no later than August 31 of each regular general
2243 election year:

2244 (i) transmit a certified list containing the names of the justices of the Supreme Court
2245 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
2246 county; and

2247 (ii) transmit a certified list containing the names of judges of other courts declaring
2248 their candidacy to the county clerk of each county in the geographic division in which the judge
2249 filing the declaration holds office.

2250 (b) Each county clerk shall place the names of justices and judges standing for
2251 retention election in the nonpartisan section of the ballot.

2252 (4) (a) At the general election, the ballots shall contain, as to each justice or judge of
2253 any court to be voted on in the county, the following question:

2254 "Shall _____ (name of justice or judge) be retained in the
2255 office of _____? (name of office, such as "Justice of the Supreme
2256 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
2257 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";

2258 "Justice Court Judge of (name of county) County or (name of municipality)"

2259 Yes ()

2260 No ()."

2261 (b) If a justice court exists by means of an interlocal agreement under Section

2262 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

2263 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
2264 is retained for the term of office provided by law.

2265 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
2266 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
2267 regular general election.

2268 (6) A justice or judge not retained is ineligible for appointment to the office for which
2269 the justice or judge was defeated until after the expiration of that term of office.

2270 (7) If a justice court judge is standing for retention for more than one office, the county
2271 clerk shall place the judge's name on the ballot separately for each office. If the justice court
2272 judge receives more no votes than yes votes in one office, but more yes votes than no votes in
2273 the other, the justice court judge shall be retained only in the office for which the judge
2274 received more yes votes than no votes.

2275 Section 28. Section [20A-14-203](#) is amended to read:

2276 **[20A-14-203. Becoming a member of a local board of education -- Declaration of](#)**
2277 **[candidacy -- Election.](#)**

2278 (1) An individual may become a candidate for a local school board:

2279 [~~(a) (i) in the 2016 general election, by filing a declaration of candidacy with the~~
2280 ~~county clerk, in accordance with Section [20A-9-202](#), before 5 p.m. on March 17, 2016; or]~~

2281 [~~(ii) in a general election held after 2016,]~~

2282 (a) by filing a declaration of candidacy with the county clerk:

2283 (i) on or after the [~~second Friday in March, and before 5 p.m. on the third Thursday in~~
2284 ~~March, before the next] first business day following January 1 of the regular general election
2285 year; and~~

2286 (ii) on or before the fifth business day following January 1 of the regular general
2287 election year; and

2288 (b) by paying the fee described in Section [20A-9-202](#).

2289 (2) (a) The term of office for an individual elected to a local board of education is four
2290 years, beginning on the first Monday in January after the election.

2291 (b) A member of a local board of education shall serve until a successor is elected or
2292 appointed and qualified.

2293 (c) A member of a local board of education is "qualified" when the member takes or
2294 signs the constitutional oath of office.

2295 Section 29. Section **20A-16-502** is amended to read:

2296 **20A-16-502. Publication of election notice.**

2297 (1) At least 100 days before an election, other than a statewide special election [or], a
2298 local special election, or a runoff election, and as soon as practicable before a statewide special
2299 election or local special election, the election officer shall prepare an election notice for the
2300 election officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

2301 (2) The election notice must contain:

2302 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
2303 that date the election officer expects to be on the ballot on the date of the election; and

2304 (b) specific instructions for how a covered voter is to indicate on the federal write-in
2305 absentee ballot the covered voter's choice for each office to be filled and for each ballot
2306 proposition to be contested.

2307 (3) (a) A covered voter may request a copy of an election notice.

2308 (b) The election officer shall send the notice to the covered voter by facsimile, email,
2309 or regular mail, as the covered voter requests.

2310 (4) As soon as the ballot is certified, and not later than the date ballots are required to
2311 be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the election officer charged
2312 with preparing the election notice under Subsection (1) shall update the notice with the
2313 certified candidates for each office and ballot propositions and make the updated notice
2314 publicly available.

2315 (5) A political subdivision that maintains a website shall make the election notice
2316 prepared under this section and updated versions of the election notice regularly available on
2317 the website.